



CITY COUNCIL STUDY SESSION AGENDA

September 28, 2015

7:00 p.m.

PAGE NO.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CORRESPONDENCE TO THE COUNCIL

- | | |
|---|----|
| a. E-Mail Dated September 22, 2015, from Dick West. | 3. |
|---|----|

5. DISCUSSION ITEMS

- | | |
|--|-----|
| a. Joint Meeting of the City Council and BEDP – Economic Development Update/Downtown Mobility Study. (60 mins.)
<i>(see attached detailed agenda)</i> | 5. |
| b. Introduction and Discussion on Resolution No. 368, Approving Limited Amendments to Burien's Shoreline Master Program. | 9. |
| c. Motion to Adopt Proposed Ordinance No. 629, Approving the Final Plat of the Walker Creek Subdivision. | 37. |
| d. Review of Council Proposed Agenda Schedule. | 63. |

6. COUNCIL REPORTS

7. ADJOURNMENT

City Council meetings are accessible to persons with disabilities. American Sign Language (ASL) interpretation is available upon request. Please phone (206) 248-5517 at least 48 hours prior to the meeting to request assistance. Assisted listening devices are available upon request.

COUNCILMEMBERS

Lucy Krakowiak, Mayor
Lauren Berkowitz

Nancy Tosta, Deputy Mayor
Bob Edgar Gerald F. Robison

Stephen Armstrong
Debi Wagner

City Hall, 400 SW 152nd Street, 1st Floor

Carol Allread

CTTC: 9/28/15

From: Public Council Inbox
Sent: Wednesday, September 23, 2015 10:43 AM
To: 'Dick West'
Subject: RE: Traffic and Pedestrian Safety

cc: Maiya Andrews,
Public Works Director

Dear Mr. West,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

Carol Allread
Executive Assistant
City Manager Office
206-248-5508

From: Dick West [mailto:dick.west2@aol.com]
Sent: Tuesday, September 22, 2015 9:06 AM
To: Public Council Inbox <council@burienwa.gov>; Kamuron Gurol <kamurong@burienwa.gov>
Subject: Traffic and Pedestrian Safety

Dear Council Members,

Burien is built upon a glacial moraine with a flat top and steep flanks. The roads on the top have long straightaways that promote dangerous speeding. The flanks have twisty winding roads that many people speed along as they cut through the neighborhoods. This situation is neither safe nor desirable.

Currently two high density redevelopment trends are headed toward the North Highline area:

1. MLK Way from Columbia City to the Boeing Access Road / SR900.
2. Delridge Way from Harbor Island to White Center.

Both will intersect the North Highline area in the next couple of years. The redevelopment of the North Highline area will double or treble our current population. Without proactive action traffic problems will only get worse.

I propose that the City and Council take the initiative on this issue. I would like to see the Residents and developers meet with the City to make the NERA a success. Issues such as zoning, sidewalks, solar/view rights, parking, traffic and speed bumps are just a few of the areas that need attention. Starting the collaboration before construction begins in earnest will allow Burien to define itself and attract new residents.

Some of the proposed ideas will be cheap and others quite expensive. Where is the City going to find the money to fund these ideas? From the \$957 fee the City charges for traffic impact fees when it subdivides each lot. This money is intended for traffic control and pedestrian safety in the neighborhoods.

The eight block stretch of Roseberg (which has speeding issues) I live on would generate almost 200K from these fees alone. Roseberg is but one of the dozens of roads in the North Highline area that would generate tremendous money to promote safer streets.

Speed bumps are nowhere as expensive as the fees generated. On Roseberg there would still be money left over after speed bump installation for other traffic impact mitigation. One other plus about speed bumps is it would allow the Police to spend more time on criminal matters instead of ticket writing. Anyone who has ever experienced the 15 mph speed bumps on 2nd Ave. South knows they work. Hitting them at 25 mph can be quite jarring.

People want to live in neighborhoods that have low crime rates and safe streets. We can have both. Collaborating with the Police Department to identify speeding areas as well as cut through routes will allow the City to strategically place speed bumps. This will calm the neighborhoods and push traffic out onto the arterial streets for better/safer traffic flow.

Many of the major North – South arterial streets in the NERA are already zoned with Commercial Nodes. Moving the traffic out of the neighborhoods efficiently onto these roads will also promote business activities. This will enhance the City's sales tax revenue as these nodes blossom with new customers from the redevelopment.

For those who wonder how this redevelopment will play out; I invite you to take the Light Rail into Seattle. At about the Othello Street Station the high density redevelopment of MLK comes into sharp focus. It becomes even more defined as you reach Columbia City. Gone are the days of rundown neighborhoods. In its place are vibrant communities with bustling business activities.

Seattle has already done the hard work of turning these neighborhoods around and promoting densification. All Burien has to do is be ready for the building boom - because it is headed our way. Collaborating with the neighborhoods and the developers will make the NERA shine. This requires very little out of pocket expenditure on the City's part. And, it will provide property, sales, and utility tax revenue to power the City forward for decades to come.

Dick West



Burien

Washington, USA

400 SW 152nd Street, Suite 300 Burien, WA 98166

Phone: (206) 241-4647 • FAX: (206) 248-5539

www.burienwa.gov

Agenda

City Council/Business and Economic Development Partnership Joint Meeting

7:00 to 8:00 PM

September 28, 2015

Purpose: This joint meeting is called to 1) provide BEDP access to the City Council to provide input and seek guidance, 2) improve communication and build relationships between the two groups and the individual members, and 3) provide staff with direction on the agenda item.

- I. Welcome – Mayor/BEDP Chair
- II. Economic Development Council Priorities Update – Staff
- III. Downtown Mobility Study – All
 - a. Scope Components – Staff
 - b. Council/BEDP Discussion
- IV. Wrap Up

Attachment 1 – Council questions on Mobility Study

- 1) Are there any scope items missing?
- 2) Are there any specific goals or outcomes in the study that are of high interest?
- 3) What does success look like?
- 4) The City Council supports Light Rail Transit to Burien to be included in ST3, how can the Downtown Mobility Study best advance that goal?

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Introduction and discussion on Resolution No. 368, approving limited amendments to Burien's Shoreline Master Program.		Meeting Date: September 28, 2015
Department: Community Development Contact: David Johanson, AICP, Senior Planner Telephone: (206) 248-5522	Attachments: 1) Resolution No. 368 2) Memo to the Planning Commission dated September 2, 2015 3) Planning Commission Meeting Minutes 4) Public comments	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A
Adopted Work Plan Priority: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Work Plan Item Description: Adoption of SMP development regulations.
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to have a discussion regarding limited amendments to the Burien Municipal Code Chapter 19.20, Shoreline Master Program.</p> <p>BACKGROUND (Include prior Council action & discussion): On March 23, 2015, the City Council and Planning Commission participated in a joint study session serving as an introduction to the topic of updating the critical areas section of the zoning code. The presentation by staff and our consultants provided an overview of the Growth Management Act requirements and best available science, as well as a summary of the gap analysis completed in 2012. The presentation also mentioned that amendments to the shoreline master program would follow adoption of the updated critical area regulations.</p> <p>On June 15, 2015 following an extensive process with both the Planning Commission and City Council, Ordinance No. 623 was adopted as amended by the Council. The approved changes to zoning code chapter 19.40 applied the new regulations to all areas outside of shoreline jurisdiction. Shoreline jurisdiction are those areas within 200 feet of Burien's shorelines, those include shoreline associated with Puget Sound and Lake Burien. Following approval of the critical areas chapter amendments the shoreline master program was reviewed and amendments were drafted to apply the same standards to all critical areas within the City.</p> <p>The Planning Commission conducted a total of three meetings, one being a public hearing and on September 9, 2015 recommended the City Council approve the proposed limited to the Shoreline Master Program. Additional information regarding the activities of the Planning Commission are attached. This includes a staff memo (Attachment 2) and meeting minutes (Attachment 3).</p> <p>No action is necessary at your meeting. The City Council will be asked to adopt Resolution No. 368 at your October 19, 2015 meeting.</p> <p>NEXT STEPS</p> <ul style="list-style-type: none"> Take action on proposed Resolution No. 368 at your October 19, 2015 meeting. Department of Ecology (DOE) reviews proposed amendments. Following DOE approval, the City takes action on an ordinance approving the limited amendments to the Shoreline Master Program. 		
Administrative Recommendation: Approve Resolution No. 368 directing staff to submit limited amendments to Burien's Shoreline Master Program to the Washington State Department of Ecology for review and approval.		
Advisory Board Recommendation: The Planning Commission recommended approval of limited amendments to Burien's Shoreline Master Program as contained in Resolution No. 368.		
Suggested Motion: Move to adopt Resolution No. 368 directing staff to submit limited amendments to Burien's Shoreline Master Program to the Washington State Department of Ecology for review and approval.		
Submitted by: David Johanson, AICP, Senior Planner Administration _____ City Manager _____		
Today's Date: September 22, 2015		File Code: R:\CC\Agenda Bill 2015\092815cd-1 SMPLimitedAmend.docx

CITY OF BURIEN
RESOLUTION NO. 368
DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, APPROVING AMENDMENTS TO BURIEN'S SHORELINE MASTER PROGRAM AND DIRECTING THAT THE SHORELINE MASTER PROGRAM BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR REVIEW.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, on June 3, 2013 the City of Burien adopted Ordinance 581 establishing a New Title 20 of the Burien Municipal Code Adopting a Shoreline Master Program and the Accompanying Goals Policies, Environmental Designations, Regulations, Restoration Plan and Cumulative Impacts Analysis; and

WHEREAS, on October 3, 2013 the Washington State Department of Ecology approved the new Shoreline Master Program with an effective date of October 17, 2013; and

WHEREAS, on June 15, 2015 the City of Burien adopted amendments to its critical area regulations to comply with the State Growth Management Act; and

WHEREAS, the Planning Commission held a total of three (3) public meetings including one (1) public hearing soliciting comment on the proposed shoreline master program amendments on the following dates: 8/12/2015, 8/26/2015 and 9/9/2015; and

WHEREAS, the Burien City Council held two (2) public meetings on the proposed amendments to the shoreline master program on the following dates: 9/21/2015 and 10/19/2015; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with RCW 90.58.130; and

WHEREAS, on November 4, 2014 the City's State Environmental Policy Act responsible official conducted SEPA review of the proposed land use Comprehensive Plan and zoning map changes and issued an Environmental Impact Statement Addendum to the 1997 Environmental Impact Statement for the City of Burien Comprehensive Plan.

WHEREAS, on May 6, 2015 the City's State Environmental Policy Act responsible official conducted SEPA review of the amended critical area regulations and issued an Determination of Non-significance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1: The Burien City Council hereby approves amendments the proposed City of Burien Shoreline Master Program as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2: The City Council directs City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval. Following Ecology adoption of the amendments, the City Council intends to adopt and codify by ordinance the subject Shoreline Master Program updates.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____TH DAY OF OCTOBER, 2015.

CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

APPROVED AS TO FORM:
/s/ Soojin Kim, City Attorney

Filed with the City Clerk: October ____, 2015
Passed by the City Council: October ____, 2015
Resolution No. 368

RESOLUTION No. 368

EXHIBIT A

- d. Archaeological excavations may be permitted subject to the provisions of this shoreline program.

20.30.025 Critical Areas

Critical areas include the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical saltwater and critical freshwater habitats are also types of critical areas within shoreline jurisdiction.

1. Policies

- a. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
- b. Development standards for density, frontage improvements, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 12-15 and Chapter III Management Policies, pgs. 2-4.)

2. Regulations

- a. BMC 19.40—Critical areas (City of Burien Ordinance 394623, adopted October 20, 2003 June 15, 2015) has been reviewed for consistency with Chapter 90.58 RCW and WAC 173-26 and shall apply to the shoreline jurisdiction with the following exceptions:

Comment [TB1]: Updated based upon CAO adoption including final ordinance number and date.

- i. The exemptions and exceptions contained in BMC 19.40.070 ~~(1), (32) & (43)~~ apply only to the critical areas provisions and are not exemptions from substantial development permits. The exceptions contained in BMC 19.40.070 ~~(45)~~ do not apply and are not considered part of the SMP.

- ii. BMC 19.40.290 ~~(32.B.iii)~~ does not apply and is not considered part of the SMP. For a landslide hazard area buffer of less than twenty-five (25) feet, in addition to the items required in BMC 19.40.120, a shoreline variance shall be required.

- iii. ~~BMC 19.40.310 (2.H.v) does not apply and is not considered part of the SMP. For a wetland buffer of less than twenty-five (25) feet, a shoreline variance shall be required.~~

Comment [TB2]: Buffers less than 25 feet wide are no longer permitted under the CAO

~~iv-iii.~~ BMC 19.40.410(2.B) does not apply and is not considered part of the SMP.
Filling is prohibited in the Aquatic environment per Section 20.30.001 Figure 4.

~~v. The following types of wetlands are not regulated by the SMP:~~

- ~~a. Small wetlands less than 1,000 square feet and hydrologically isolated;~~
- ~~b. Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, or other wetlands.~~

Comment [T83]: 19 40 300(3)(C) now supersedes this provision

~~b. Identification of wetlands and delineation of their boundaries pursuant to this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Burien meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Master Program.~~

Comment [T84]: CAO uses same delineation approach, no longer necessary (19 40 300(2)(A))

~~e. Wetland rating system. Wetlands for the purposes of the SMP shall be categorized in accordance with the Washington State Wetland Rating System for Western Washington Revised (Ecology Publication #04-06-025).~~

Comment [T85]: CAO uses more recent rating system (Ecology publication No 14-06-029, or as amended) (19 40 300(3)(A))

~~f. Wetland buffers. Wetland buffers for the purposes of this SMP shall be determined based upon Appendix 8-C of "Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands FINAL April 2005 Ecology Publication #05-06-008" based on information provided as part of a critical area study.~~

Comment [T86]: This provision does not provide enough specificity – there are several buffer options in Appendix 8C. Buffer system adopted in CAO (19 40 310(2)) is based on most recent Ecology guidance for use in small cities. Recommend deleting to be consistent with CAO (adopted by reference)

~~e-b.~~ Development proposals shall adhere to the applicable submittal requirements (a critical area report specific to the critical area) as specified in the Critical Areas Ordinance regulations adopted as part of this SMP.

Comment [T87]: Not necessary, but OK to leave in for clarity

~~f-c.~~ Development shall not intrude into, over, or within 10 feet from *critical saltwater habitats* (e.g., eelgrass) except when an alternative alignment or location is not *feasible* and the development would result in no net loss of *critical saltwater habitat*.

~~g-d.~~ When this Master Program requires mitigation, the mitigation sequence described in section BMC 20.30.010 [Impact Mitigation] shall be followed.

Figure 5 Dimensional Standards for Shoreline Development

	UC	SR-LB	SR-AL	SR-HA
Shoreline Buffer Zone 1 ⁽¹⁾	50 ft	30 ft	30 ft	20 ft
Shoreline Buffer Zone 2 ⁽¹⁾	100 ft	15 ft	15 ft	15 ft
Vegetation Conservation ⁽²⁾	200 ft	150 ft	150 ft	150 ft
Lot Size ⁽³⁾	RS-12,000	RS-7,200 RS-12,000	RS-12,000	RS-12,000
Building Coverage ⁽⁴⁾	30%	35%	35%	35%

Comment [d8]: Changed to align with Comp Plan and zoning map amendments associated with Ord 614, December 2014

UC: Urban Conservancy

SR-LB: Shoreline Residential – Lake Burien

SR-AL: Shoreline Residential – Marine altered

SR-HA: Shoreline Residential – Marine highly altered

(Please refer to Figure 6 for a map detailing the locations of the areas listed above.)

- (1) Consistent with BMC 19.40-critical areas and BMC 20.30.055(1). For single family residential development in the Marine altered and highly altered planning areas, development may occur in the buffers prescribed in this section pursuant to BMC 20.30.095, through the conditional use or variance permit process. Additions or expansions of primary single family residences are not allowed in zone one or two around Lake Burien.
- (2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.
- (3) See BMC 19.15 and BMC 19.17.170 of the zoning code for minimum lot area requirements.
- (4) See BMC 19.15

CITY OF BURIEN, WASHINGTON MEMORANDUM

DATE: September 2, 2015
TO: Planning Commission
FROM: David Johanson, AICP, Senior Planner
SUBJECT: Recommendation to the City Council regarding Limited Amendments to Burien's Shoreline Master Program.

PURPOSE/REQUIRED ACTION

This purpose of this agenda item is for the Planning Commission to have a discussion and make a recommendation to the City Council regarding Limited Amendments to Burien's Shoreline Master Program.

BACKGROUND

In October of 2013 Burien's Shoreline Master Program (SMP) adopted the existing critical areas regulations in effect at that time. This was done by incorporating BMC 19.40 by reference with a few exceptions primarily pertaining to wetland standards. These specific exceptions were included in the SMP because they did not meet the development standards requirements as specified by the SMP adoption guidelines.

In June of 2015 the City Council considered recommendations of the Planning Commission for amendments to BMC Chapter 19.40 that updated Burien's Critical Areas regulations to comply with changes to the state Growth Management Act (GMA). Ordinance 623 amending BMC Chapter 19.40 was approved on June 15, 2015 and became effective on June 23, 2015.

At the Commission's August 12, 2015 meeting, staff introduced draft code language for the proposed amendments and discussed the topic and on August 26, 2015 a public hearing was conducted to receive comments on the proposed amendments. There was one individual representing the Burien Marine Property Owners that offered comment as a part of the public hearing. In general, the comment indicated that they were satisfied with the shoreline master program version that was adopted in October of 2013 and changes were not required by the Shoreline Management Act.

Following a motion to recommend changes to Burien's Shoreline Master program the Commission discussed the proposed amendments. The Commission decided to table the motion until the next scheduled meeting.

SHORELINE MASTER PROGRAM AMENDMENTS

Attachment 1 contains the proposed amendments for the proposed updates to Burien Municipal Code Title 20, Shoreline Master Program. A brief description and summary of the amendments are also included. Each proposed amendment is consistent with criteria for zoning code amendments in BMC 19.65.100. They have been reviewed for consistency with the Comprehensive Plan; bear a substantial relation to the public health, safety, or welfare, and are in the best interest of the community as a whole.

PUBLIC COMMENT

The City has received one additional comment since the public hearing on August 26, 2015. That comment is attached to this memo (Attachment 2). The correspondence includes concern with a number of sections in the recently adopted updates to BMC 19.40, Critical Areas. Although there were few specific comments expressing the nature of the concern staff has attempted to respond to the correspondence.

Comment 1

Original text:

*The Director **may** require the applicant to provide, at the applicant's expense, mitigation, maintenance and monitoring measures to protect critical areas and buffers. A written report describing the results of any mitigation, maintenance or monitoring measures shall be submitted to the Director for review and further action, **if needed**.*

Has been changed to:

*The applicant **shall avoid all impacts** that degrade the functions and values of critical areas and buffers. Unless otherwise provided in this Chapter, if impacts to critical areas or buffers are unavoidable, **all adverse impacts resulting from the proposed alteration, construction, development, or activity shall be mitigated, at the applicant's expense**, using the best available science in accordance with an approved critical area study.*

Staff Response: For clarifications purposes the **bold** text was added by the individual. Although the section number reference was not provided the comment appears to refer to BMC 19.40.170(1). It appears there is concern regarding added requirements however, this section closely mirrors a section in the previously approved SMP, it reads as follows;

BMC 20.30.010 (2.a), Impact Mitigation

"All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions, through the location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated according to the provisions of this section."

Comment 2

Also, there are new restrictions on buffers. (Many shoreline or hillside properties are very heavily burdened by Critical Areas or buffers.).

Staff Response: The new restrictions were not specified however some of the buffer widths have been modified to apply best available science. For example, wetland buffers were adjusted along with increases for non fish bearing streams that contained intermittent flows (Ns category). There were no substantive changes to the geologically hazardous areas regulations (BMC 19.40.280-290).

Comment 3

New Text:

Buffer widths as defined in subsection B above assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. *If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, **the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.***

Staff Response: The **bold** text was added by the individual. Although a section number reference was not provided the comment appears to refer to BMC 19.40.310(2.D), Wetlands-Development Standards. This section applies when development is proposed on a site that contains a wetland or wetland buffer. The purpose of the standard is to ensure the wetland buffer contains the appropriate vegetation to perform the necessary ecological functions and values. Proper functioning buffers provide the intended benefits to the ecosystem as stated in the purposes and goals section of the critical areas chapter (BMC 19.40.020).

Comment 4

While, at the same time, previously permitted activities in buffers have been removed, so no more decks, landscaping, building overhangs, etc, into buffers:

~~The following may be allowed within fifteen (15) feet of the buffer edge: landscaping, uncovered decks, building overhangs which do not extend more than eighteen (18) inches into the area, and driveways and patios subject to water quality regulations...~~

Staff Response: This section was not removed from the zoning code, it was moved from 19.40.310(2.E) and 19.40.350(2.D) to BMC 19.40.190(2). The new text also added pervious unroofed stairways and steps to the list of activities and/or uses that may occur within the 15-foot buffer setback.

PLANNING COMMISSION ACTION

If the Commission elects to make a recommendation to the City Council at this meeting the following suggested motion may be used:

I move the Planning Commission recommend to the City Council approval of the Shoreline Master Program text amendments as presented in Attachment 1 of the staff memo.

If you have any questions before the meeting, please contact David Johanson at (206) 248-5522 or by e-mail at davidj@burienwa.gov.

Attachments: Staff Recommendations

- 1) DRAFT - BMC Chapter 20.30, Shoreline Uses and Modifications Policies and Regulations, July 24, 2015
- 2) Public Comments

City of Burien

BURIEN PLANNING COMMISSION September 9, 2015 7:00 p.m. Multipurpose Room/Council Chambers MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Curtis Olsen called the September 9, 2015, meeting of the Burien Planning Commission to order at 7:02 p.m.

ROLL CALL

Present: Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield and Brooks Stanfield

Absent: Jim Clingan and Douglas Weber

Administrative staff present: David Johanson, senior planner; Brandi Eyerly, planner

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Henderson, and passed 5-0 to approve the minutes of the August 26, 2015, meeting.

PUBLIC COMMENT

Michael Noakes, 16409 Maplewild Ave SW, asked the commissioners to reject the proposed amendments to the Shoreline Master Program (SMP).

Darla Green, 14970 21st Ave SW, said she does not believe consideration of the proposed amendments to the SMP is an effective use of city resources and asked that the commissioners not recommend that the City Council adopt the proposed amendments to the SMP.

Andy Ryan, 16525 Maplewild Ave SW, said while he agrees with the other speakers, he is not clear on how the proposed amendments would impact the SMP. He suggested that perhaps a matrix of the before and after of the proposed changes would help them all to understand what everyone is talking about. He said the shoreline homeowners are owed that.

OLD BUSINESS

A. Recommendation to the City Council regarding Limited Amendments to Burien's Shoreline Master Program

David Johanson, senior planner, gave a brief summary of the proposed amendments and the work the commission has done to date regarding the amendments. He reminded the commissioners that at the previous meeting they voted to table a motion to recommend to the City Council approval of the proposed amendments.

Commissioner Millar asked if there is any potential for buffer changes with the amendments. Mr. Johanson replied that there is, that by incorporating the changes made in June to BMC Chapter 19.40 into the SMP there will be increases in wetland buffers and buffers for non-fish-bearing streams. The changes were made to comply with the Growth Management Act's requirement to apply best available science to the critical area ordinance. He noted that some flexibility in the CAO was retained, such as buffer averaging and buffer reduction with enhancement.

Commissioner Millar also asked if there are scheduled revision periods for the SMP. Mr. Johanson replied that he believes 2019 is the year prescribed for revision of the SMP. Commissioner Millar asked if residents could propose amendments to the SMP; Mr. Johanson replied that residents can request the City Council consider amendments and the council could then initiate a work program item for proposed amendments. Commissioner Millar stated that, given the time and resources spent by residents and the City to create the SMP, he believes any revisions should occur only during the defined periods for revisions.

Commissioner Stanfield, referring to the staff memo in the packet dated September 2, 2015, said he'd like to review the comments received and the staff responses. Regarding the first comment, addressing mitigation, he said he doesn't see much of a difference between the original text and the proposed text. Mr. Johanson agreed that there already is similar language in the SMP.

Mr. Johanson pointed out that many things in the CAO were updated, but the changes to the wetland and stream buffers probably are the most substantive. He added that he talked with the City's CAO update consultant, The Watershed Company, and found out that many other westside cities are incorporating their updated CAOs into their SMPs; this is not a process unique to the City of Burien. He reiterated that recent update to the Burien's CAO was to apply the best available science standards required by the Growth Management Act and was accepted, with comments, by the state Department of Ecology. He assured that the CAO does not change any shoreline buffers established in the SMP, nor are there any substantive amendments to the geologically hazardous areas section of the CAO.

Commissioner Stanfield said, looking at the Critical Areas map, that there are no wetlands in the marine buffer area. Mr. Johanson replied that the only marine wetlands that have been documented to his knowledge are within Seahurst Park, and there may be a small one in Eagle Landing Park, although he's not sure how much of them are within 200 feet of the shoreline. He cautioned that the Critical Areas map is a guide to further investigation, not the definitive answer as to whether or not a particular critical area exists.

Commissioner Stanfield said he is appreciative of the time and resources that went into the creation of the SMP and of the staff time and city resources that go into addressing an issue that has a lot of resident interest. He said he feels that if we use best available science to design standards for ecological functions in certain sections of the community, they should be applied fairly and consistently throughout the city. He said it's a struggle he's having internally, but cannot see any reason it should not be applied consistently.

Chair Olsen asked what property owners would be affected by the proposed changes. Mr. Johanson said an estimated 8 to 15 additional properties would have the stream buffer. He said he did not look at wetlands.

Chair Olsen asked if there is a process for notification when it comes to changes to the SMP. Mr. Johanson replied that the public hearing was properly noticed and the state Department of Ecology (DOE) will abide by its process as well; ultimately DOE must approve the changes to the SMP.

Mr. Johanson noted that the City Council will consider the recommendation from the Planning Commission, and if it votes to approve the SMP text amendments, the council vote on a resolution to submit the changes to DOE for review and approval. If DOE approves the changes, the Council will vote on an ordinance to adopt and make the changes effective. DOE itself will have some kind of public comment process; he does not know exactly what kind of notification process DOE will use. Mr.

Johanson said while the City did not individually mail notice to every shoreline property owner there was a public hearing notice published in the newspaper; mailed to interested parties who signed in at the SMP forums; e-mailed to the subscribers on the Planning Commission packet, Comprehensive Plan updates and Zoning Code updates lists; and posted on the City's website and social media.

Direction/Action

Commissioner Stanfield moved to take from the table the motion relating to the Planning Commission recommendation to the City Council approval of the Shoreline Master Program text amendments as presented in Attachment 1 of the staff memo. Commissioner Henderson seconded the motion. Motion carried unanimously.

Chair Olsen called for the vote on the original motion; motion carried 4-1, with Commissioners Henderson, Rosenfield, Stanfield and Chair Olsen voting yes, Commissioner Millar voting no.

NEW BUSINESS

None.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

None.

ADJOURNMENT

Direction/Action

Commissioner Stanfield moved for adjournment; Vice Chair Rosenfield seconded. Motion carried unanimously. The meeting adjourned at 7:51 p.m.

APPROVED: _____

Curtis Olsen, chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION

August 26, 2015

7:00 p.m.

Multipurpose Room/Council Chambers

MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Curtis Olsen called the August 26, 2015, meeting of the Burien Planning Commission to order at 7:02 p.m.

ROLL CALL

Present: Butch Henderson, Joel Millar, Curtis Olsen, Brooks Stanfield and Douglas Weber

Absent: Jim Clingan and Amy Rosenfield

Administrative staff present: Chip Davis, Community Development Department director; David Johanson, senior planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Henderson, to approve the agenda for the August 26, 2015, meeting. Motion carried 5-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Henderson, and passed 5-0 to approve the minutes of the August 12, 2015, meeting.

PUBLIC COMMENT

None.

PUBLIC HEARING

A. Public Hearing on Limited Amendments to Burien Shoreline Master Program

David Johanson, senior planner, said that the commission will receive public comment on the proposed limited amendments to the Shoreline Master Program (SMP). The proposed amendments would incorporate some recent actions by the City Council into the SMP. Mr. Johanson explained that when the SMP was adopted in 2013, the Critical Areas Ordinance (CAO) in effect at the time was incorporated into the SMP by reference, with a few exceptions. Since that time, the Planning Commission and City Council have updated the CAO to comply with the updated Growth Management Act. The updated CAO, he continued, uses the new wetlands rating system. The proposed amendments also reflect the zoning change around Lake Burien. He noted that the City has not received any written comments prior to the hearing.

Chair Olsen opened the hearing at 7:05 p.m.

Michael Noakes, 16409 Maplewild Ave SW, said he was speaking as the president of the Burien Marine Homeowners Association. Mr. Noakes urged the commission not to recommend adoption of the proposed limited amendments to the SMP, stating that the commission is under no legal obligation to do so, that there is no evidence that the updated CAO enhances shoreline protection, and that trying to incorporate the updated CAO into the SMP will generate unnecessary costs to the City and residents in public process. He said the update appears to him to serve no clear purpose.

There being no other testimony, Chair Olsen closed the hearing at 7:10 p.m.

OLD BUSINESS

- A. None

NEW BUSINESS

- A. Possible Recommendation to the City Council regarding Limited Amendments to Burien's Shoreline Master Program

Commissioner Henderson asked for clarification based on Mr. Noakes' testimony that there is no legal requirement to update the SMP. Mr. Johanson said that the City did have a legal requirement to update the CAO. He said the proposed amendments are to ensure the two documents – the SMP and CAO – are aligned. It is something the City can choose to do, legal requirement or not. He said staff is recommending that the City not have two separate sets of critical areas regulations, one in effect for the shorelines and one for everywhere else. Mr. Johanson noted that the City has been coordinating with the Department of Ecology (DOE) during the CAO update process and the updates will have to be accepted by DOE. He said the proposed SMP amendments have been sent to DOE for review.

Mr. Henderson then asked if the City is incurring additional costs by considering the amendments. Mr. Johanson replied that staff time is involved, but staff feels it is prudent and reasonable to align the two documents. He said it is potentially confusing to residents to have two different versions of the CAO, adding that the updated CAO contains the latest classification system for the streams and wetlands.

Commissioner Stanfield said his understanding is that the SMP is not being opened for revision of substantive elements; this is simply bringing the SMP into alignment with the required updated CAO. Mr. Johanson confirmed that and said that if the amendments are not adopted, there will be two sets of critical area standards, primarily affecting Lake Burien since the major changes focus on wetland buffers and streams.

Commissioner Weber said he believes it is important that the documents align, but asked if one supersedes another when they don't align. Mr. Johanson replied that shoreline rules apply within shoreline jurisdiction, which is 200 feet landward from the ordinary high water mark. The SMP applies within those 200 feet, he said, and the CAO applies to everything beyond 200 feet. Adopting the amendments, he explained, would ensure that the same critical areas standards apply within the 200 feet and beyond.

Commissioner Stanfield moved to recommend to the City Council approval of the Comprehensive Plan text amendments as presented in Attachment 1 of the staff memo. Commissioner Henderson seconded the motion. Mr. Johanson noticed a typo. The motion should have read "...Shoreline Master Program amendments..."; Commissioner Stanfield moved to amend his motion to read "recommend to the City Council approval of the Shoreline Master Program amendments as presented in Attachment 1 of the staff memo." The motion to amend the motion passed unanimously.

An unidentified member of the audience, who declined to go to the microphone so his name and comments could be captured verbatim for the record, told the commissioners they are rushing the process. He said the public has just become aware of the proposed changes. He said they will fill the audience of the City Council meeting and the proposed amendments will be sent back to the Planning

Commission or there will be litigation. He said the commissioners have either been misled or have not read the documents carefully if they believe it is a small issue.

Mr. Noakes repeated his position that the City has no legal requirement to bring the SMP and CAO into alignment and therefore should not do so.

Mr. Johanson asked if there is a specific portion of the CAO to which the Burien Marine Homeowners Association objects. Mr. Noakes said the changes would not apply much to the marine shoreline. He said the Lake Burien homeowners should be present to defend their property rights. He did not name anything specific to which he objects; he said he objects to the process of making changes when it's not legally required. He said City Council meetings again will be clogged with debate, this time about whether the changes are appropriate for Lake Burien.

Mr. Johanson noted that the City has coordinated with DOE on the proposed amendments and while it hasn't received formal comments yet, it has received supportive feedback. Once the commission makes a recommendation, it will go to the City Council, the council will have its discussions and deliberations and if it is in favor of the amendments, the council will adopt a resolution to submit the proposed changes to DOE for approval. Once DOE approves them, the City Council will take final action by adopting an ordinance.

Mr. Johanson noted that language as it was in the former CAO that is now being proposed to be removed was not acceptable to DOE within shoreline jurisdiction; therefore specific exemptions were made in the SMP. The updated CAO fixed the inconsistencies and now they can be removed.

Commissioners Millar and Weber disclosed that they are shoreline property owners and asked for clarification as to whether or not they should recuse themselves from voting.

Direction/Action

Chair Olsen moved that the commissioners table the discussion until their September 10th meeting. Commissioner Stanfield seconded the motion. Motion carried unanimously.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

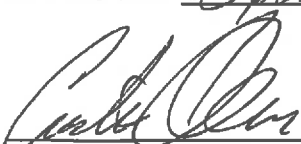
Mr. Davis reported that the City has received a pre-application meeting request from a group of investors interested in purchasing the properties on the corner of 1st Ave S and SW 148th Street formerly occupied by a gas station and Lovers Package. They have indicated they are interested in redeveloping it into some kind of retail/eating and drinking establishment. No zoning change is anticipated.

ADJOURNMENT

Direction/Action

Chair Olsen moved for adjournment; Commissioner Stanfield seconded. Motion carried unanimously. The meeting adjourned at 7:55 p.m.

APPROVED: September 7, 2015


Curtis Olsen, chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION
August 12, 2015
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

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- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair pro-tem Butch Henderson called the August 12, 2015, meeting of the Burien Planning Commission to order at 7:05 p.m. He then welcomed newly appointed commissioner Joel Millar to the commission.

ROLL CALL

Present: Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield, Brooks Stanfield

Absent: Jim Clingan and Douglas Weber

Administrative staff present: Chip Davis, Community Development Department director, Brandi Eyerly, planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Olsen, to approve the agenda for the August 12, 2015, meeting. Motion passed 5-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Stanfield, seconded by Commissioner Rosenfield, and passed 5-0 to approve the minutes of the July 22, 2015, meeting.

PUBLIC COMMENT

Ray Helms, animal control officer with CARES, 909 SW 151st St., briefly reviewed the items he supplied as Attachment 5 to the staff memo on the keeping of animals.

OLD BUSINESS

A. Election of Chairperson and Vice Chairperson for the 2015-16 Term

Chair pro-tem Henderson opened the nominations for chair of the commission. Commissioner Rosenfield nominated Commissioner Olsen to serve as chair for 2015-16. There being no other nominations, chair pro-tem Henderson closed the nominations. Commissioner Olsen was elected chair for 2015-16 by a unanimous vote.

Chair pro-tem Henderson opened the nominations for vice chair. Commissioner Stanfield nominated Commissioner Rosenfield to serve as vice chair for 2015-16. There being no other nominations, chair

pro-tem Henderson closed the nominations. Commissioner Rosenfield was elected vice chair for 2015-16 by a unanimous vote.

B. Proposed Zoning Code Amendments Related to the Keeping of Animals

Planner Brandi Eyerly walked the commissioners through the updated City Council Comment and Decision Matrix, Attachment 1 to her staff report. The matrix highlights comments from the City Council's review at its April 27, 2015, study session of the commission's recommendations on the keeping of animals.

Commissioner Stanfield asked Mr. Helms if he has seen a difference between using an animal nuisance ordinance approach vs. amending a noise ordinance to include animal noise. He responded that it's not a cut and dried solution. On the one hand, under the nuisance ordinance, he said, he has some leeway and options available for resolving noise complaints before they reach the level of a nuisance; on the other hand, with a noise ordinance, right from the start he would have no choice but to issue the prescribed consequence for allowing an animal to disturb the peace of those around it. However, animals being included in the noise ordinance would give him a level of authority for dealing with those owners who don't care that their animal is disturbing people with the noise it is making.

He also said containment is a larger issue than space when it comes to animals; owners need to be responsible for making sure their animal does not get onto someone else's property.

Chair pro-tem Henderson asked what other jurisdictions are doing in relation to a noise ordinance that specifically addresses animals. Ms. Eyerly responded that while they do mention constant barking or constant noise, they are vague in defining what is too much or too loud. Chair pro-tem Henderson asked if any jurisdictions were setting limits, such as times when barking or other animal noise is permissible and times when animals must be quiet. Commissioner Stanfield noted that in the examples of other jurisdictions' codes, Seattle has put animal noise in its noise ordinance and suggested that's an example the commissioners could look at between now and the next meeting.

Commissioner Rosenfield asked Ray Helms if something like Tukwila's ordinance, in which the level of noise is loosely defined, would assist him in handling noise complaints. He replied that it would. She also noted that Des Moines has a provision that allows the City to limit the number of animals on a parcel to less than the maximum allowed by the zoning code if certain criteria, such as potential noise impacts, exist. She said adding a provision like that would give the City some flexibility. Chair pro-tem Henderson suggested Mr. Helms look at some of the examples provided to the Commissioners and let the commissioners know at their next meeting what he believed would be beneficial to include in Burien's code.

Commissioner Stanfield said he had some concern about the City Council's recommendation to retain the 20-foot setback for the keeping of small animals, noting that people with narrow lots would not be able to raise any chickens coops or rabbits in hutches. He said he felt that opportunity should be available to all property owners, even as density increases and lots may become smaller. Commissioner Millar agreed, saying that the issues of odors or noise would fall under a nuisance or noise ordinance. The consensus was that the originally proposed 10-foot setback is appropriate.

NEW BUSINESS

A. Proposed Zoning Code Amendments – Corrections to Text

Mr. Davis explained that nothing has changed with this item since last year when the Commission forwarded its recommendation on these technical correction amendments to the City Council; the Council simply ran out of time last year to consider them.

B. Introduction to Shoreline Master Program Limited Amendments

Mr. Davis explained that the purpose of this agenda item was for the commissioners to review the preliminary draft of the proposed limited amendments to the Shoreline Master Program (SMP). When

the revised SMP was adopted in 2013, it adopted by reference the existing Critical Areas ordinance. That ordinance was updated this past June, and the references in the SMP to the former code need to be revised. In this interim period, he continued, there are two sets of Critical Areas regulations in place – in the areas covered by the SMP, the old Critical Areas ordinance applies; the updated Critical Areas ordinance applies everywhere else in the City. The proposed limited amendments would bring the new Critical Areas regulations into the SMP and amend a table within the SMP to reflect the change in zoning designation around Lake Burien that was adopted by the City Council in December 2014; there would be no other changes to the SMP. Mr. Davis said there will be a public hearing on the draft amendments at the Commission's next meeting.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Stanfield said he noticed a new path off of Des Moines Memorial Drive and asked Mr. Davis what's been going on in that area. Mr. Davis replied that it is in the Northeast Redevelopment Area, an area being transitioned from residential uses to airport industrial uses. Recently, the City constructed extensive stormwater treatment facilities there, along with a walking/bike path paralleling Miller Creek in that area. Commissioner Millar asked for information about the development of airport industrial uses in that area. Mr. Davis said the City had acquired the former Sunny Terrace Elementary School site and an adjacent homestead, had taken bids, and is selling the property to a developer who is going to build an airport industrial development. He noted that the majority of the area is owned and controlled by the Port of Seattle, and the City is working with the Port to ensure that its properties are similarly developed. He said the City also has been working at the state and federal level to secure funding for intersection/interchange improvements.

DIRECTOR'S REPORT

Mr. Davis reminded the commissioners that their next meeting is a public hearing. He said he still needed signed copies of the Commission Code of Conduct from three commissioners – Clingan, Stanfield and Millar. Mr. Davis said the commissioners were given copies tonight of the adopted bylaws and the updated boards and commissions code of conduct to be inserted into their Planning Commission handbooks. Finally, Mr. Davis noted that Jim Clingan has been absent due to illness, but fully expects to return to the commission soon.

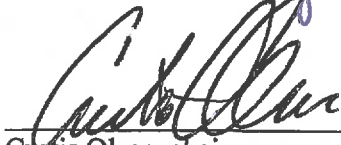
ADJOURNMENT

Direction/Action

Commissioner Stanfield moved for adjournment; Commissioner Millar seconded. The meeting adjourned at 8:29 p.m.

APPROVED: _____

August 26, 2015



Curtis Olsen, chair
Planning Commission

David Johanson

From: David Johanson
Sent: Thursday, August 27, 2015 10:59 AM
To: 'Andy Ryan'
Cc: Chip Davis
Subject: RE: [ThreeTreePoint] SMP amendments

Mr. Ryan,

Thank you for providing this information, it is most helpful. We will include this correspondence in the next Planning Commission packet. If there are additional sections that raise concern it would be greatly appreciated if you could share those as well. The more we can understand the concerns it will add to the discussions with the Planning Commission and City Council.

If you or your associates would like to discuss the topic I am readily available.

Sincerely,

David Johanson, AICP

Senior Planner

Phone: (206) 248-5522
E-mail: davidj@burienwa.gov
www.burienwa.gov

City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

From: Andy Ryan [mailto:nordic44@comcast.net]
Sent: Wednesday, August 26, 2015 9:28 PM
To: David Johanson; Colsen135@gmail.com
Cc: Colsen135@gmail.com
Subject: FW: [ThreeTreePoint] SMP amendments

David, could you please forward this to the planning commission. You requested a specific example (the may to shall reference John Ester mentioned) of one of the changes to the CAO that we believe if implemented in the SMP changes the SMP – it is not just an administrative reference change.

Curtis – thank you for your support and willingness to have additional discussion at the meeting.

Sincerely
Andy Ryan

From: ThreeTreePoint@yahoogroups.com [mailto:ThreeTreePoint@yahoogroups.com]
Sent: Thursday, August 20, 2015 7:10 PM
To: ThreeTreePoint@yahoogroups.com
Subject: Re: [ThreeTreePoint] SMP amendments

If I understand correctly, Burien updated the Critical Areas Ord. a couple months ago. The last update before this was in 2003. Since the SMP was passed in 2013 using the (2003) Critical Areas info, that 2003 document is the currently law and regulations for areas covered by the SMP. This means that development in areas covered by the SMP does not need to follow the updated 2015 Critical Area rules. Burien planners now want to change the "reference" in the SMP to go to their new 2015 Critical Areas Plan, thereby making that the new law for areas covered under the SMP.

Seems like a simple enough procedural vote, however, there appear to be a significant amount of changes in the 2015 Critical Areas plan. This means if they approve the reference change, our properties will be affected. You can see the changes by going here: <https://www.burienwa.gov/DocumentCenter/View/5597>

Here is an example of one change:

Original text:

The Director **may** require the applicant to provide, at the applicant's expense, mitigation, maintenance and monitoring measures to protect critical areas and buffers. A written report describing the results of any mitigation, maintenance or monitoring measures shall be submitted to the Director for review and further action,
if needed.

Has been changed to:

The applicant **shall avoid all impacts** that degrade the functions and values of critical areas and buffers. Unless otherwise provided in this Chapter, if impacts to critical areas or buffers are unavoidable, ***all adverse impacts resulting from the proposed alteration, construction, development, or activity shall be mitigated, at the applicant's expense,*** using the best available science in accordance with an approved critical area study.

Also, there are new restrictions on buffers. (Many shoreline or hillside properties are very heavily burdened by Critical Areas or buffers.).

New Text:

Buffer widths as defined in subsection B above assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. *If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.*

While, at the same time, previously permitted activities in buffers have been removed, so no more decks, landscaping, building overhangs, etc, into buffers:

~~The following may be allowed within fifteen (15) feet of the buffer edge: landscaping, uncovered decks, building overhangs which do not extend more than eighteen (18) inches into the area, and driveways and patios subject to water quality regulations...~~

On Aug 20, 2015, at 5:44 PM, geskrit@aol.com [ThreeTreePoint] <ThreeTreePoint@yahoogroups.com> wrote:

I requested some information from the City about proposed changes that might affect the SMP and this is what I got back. There are apparently some references to "buffer standards" that we need to get a clue about. The public hearing with the planning commission is Aug 26th at City Hall.
Carol

From: DAVIDJ@burienwa.gov
To: Qeskrit@aol.com
Sent: 8/17/2015 10:25:59 A.M. Pacific Daylight Time
Subj: RE: SMP amendments

Mrs. Jacobson

Thank you for your inquiry. Sorry I was out of the office on vacation when I received your request. Please see the link below to download the Planning Commission packet for August 12, 2015 (it's near the bottom of the page). This agenda packet contains the information you are interested in. You can also access future agenda packets here as well. The public hearing is scheduled for August 26th.

<http://www.burienwa.gov/agendacenter>

If you have any questions please do not hesitate to contact me.

David Johanson, AICP

Senior Planner

Phone: (206) 248-5522

E-mail: davidj@burienwa.gov

www.burienwa.gov

City of Burien

400 SW 152nd Street, Suite 300

Burien, WA 98166

From: Qeskrit@aol.com [<mailto:Qeskrit@aol.com>]
Sent: Friday, August 07, 2015 2:04 PM
To: David Johanson
Subject: SMP amendments

Hi David,

Is there a way to get a copy of the proposed amendments emailed to us prior to the meeting? We would like to see what changes are proposed so we can be better informed prior to the meeting. If you can send them to me I can get them to the other interested people.

Thanks!

Carol Jacobson

=

Posted by: Ian Kelley <ian.kelley@gmail.com>

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**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Adopt Proposed Ordinance No. 629, Approving the Final Plat of the Walker Creek Subdivision		Meeting Date: September 28, 2015
Department: Community Development	Attachments: 1. Proposed Ordinance No. 629 2. Resolution No. 303, with Exhibit A - Hearing Examiner's Findings, Conclusions and Recommendation. 3. Notice of Decision 4. Vicinity Map and Walker Creek Subdivision Final Plat Map	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Charles W. "Chip" Davis, Community Dev. Director		
Telephone: (206) 248-5501		
Adopted Work Plan Priority: Yes No X		Work Plan Item Description: N/A
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider adopting an ordinance approving the final plat application for Walker Creek Subdivision.</p> <p>BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide a 3.98 acre (173,369 square feet) parcel into 17-lots. The site is located at the northwest corner of Des Moines Memorial Drive South and South 176th Street, as shown on the attached vicinity map.</p> <p>The City Council on September 14, 2009 adopted Resolution No. 303, which granted preliminary approval of the Walker Creek Ridge Subdivision with conditions. The resolution also adopted the findings of fact and conclusions as set forth by the Hearing Examiner. At the time of final subdivision application, the applicant changed the name of the subdivision to Walker Creek.</p> <p>Per BMC Title 17.45 Final Plats, the City Council is required to determine if the applicant has satisfied preliminary conditions of approval for the plat and has completed or bonded for all required improvements for the plat as required by the Public Works Department. The applicant has met the required conditions of approval for the development and has constructed all of the required improvements. The Development Engineer has reviewed the final plat map and all construction improvements and has recommended final approval of the plat.</p> <p>By passing proposed Ordinance No. 629, the City Council will grant final approval for the Walker Creek Subdivision, with the noted conditions as set forth in the attached Hearing Examiner Report. The plat documents will then be recorded, which will formally create the new lots for the purpose of sale, and allow the issuance of building permits.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve the final plat (Adopt Ordinance No. 629). 2. Approve the final plat with modifications, based on the Hearing Examiner's Record (Adopt proposed Ordinance No. 629, with modifications). 3. Deny the final plat, based on the Hearing Examiner's Record. 4. Remand the final plat to the Hearing Examiner for an additional hearing on specific issues. <p>For options 2, or 3, the Council must also adopt written findings of fact and conclusions that support its decision.</p>		
Administrative Recommendation: Adopt proposed Ordinance No. 629, granting approval of the final plat for the Walker Creek Subdivision.		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Adopt Ordinance No. 629, Approving the Final Plat of the Walker Creek Subdivision, and Direct the Mayor to Sign the Final Plat Documents.		
Submitted by: Charles W. "Chip" Davis, AICP		
Administration _____		City Manager _____
Today's Date: September 22, 2015		File Code: R:/CC/Agenda Bills 2015/092815cd-2 - Walker Creek Final Plat

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 629

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE SUBDIVISION AND FINAL PLAT KNOWN AS WALKER CREEK.

WHEREAS, on August 4, 2008, application was made to the City of Burien for the preliminary approval of a subdivision known as Walker Creek Ridge; and

WHEREAS, on September 14, 2009, the City Council adopted Resolution 303, which concurred with the Findings, Conclusions, and Recommendation of the City's Hearing Examiner and preliminarily approved the Walker Creek Ridge Subdivision, subject to a number of terms and conditions. At time of final subdivision application, the applicant changed the name of the subdivision to Walker Creek; and

WHEREAS, pursuant to Ch. 58.17 RCW and Ch. 17.45 BMC, the City's Department of Community Development has reviewed the final plat of Walker Creek Subdivision and determined it to comply with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Findings. The City Council makes the following findings:

A. The Findings, Conclusions, and Recommendation of the City's Hearing Examiner attached hereto as Exhibit A are hereby adopted and incorporated herein by this reference.

B. The Final Plat for the Walker Creek Subdivision complies with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

Section 2: Approval. The City Council hereby approves the Walker Creek Subdivision and Final Plat subject to all terms and conditions set forth in the attached Exhibit A.

Section 3: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 5: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF SEPTEMBER, 2015, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 28th DAY OF SEPTEMBER, 2015.

CITY OF BURIEN

Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Soojin Kim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 629
Date of Publication:

EXHIBIT A
CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION

APPLICANT: Jason Running for Walker Creek Ridge, LLC

CASE NO.: PLA 08-1524

LOCATION: NW corner of Des Moines Memorial Drive & South 176th Street
(see Exhibit A, Attachment 1)

APPLICATION: Request to subdivide a 3.98 acre parcel into seventeen single family lots in an RS-7,200 zoning district (see Exhibit A). '

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Walker Creek Ridge application was opened at 2:00 p.m., August 14, 2009, in City Hall, Burien, Washington, and closed at 2:33 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

Chip Davis, Project Planner: Provided a summary of the project components, provided staff's analysis regarding approval criteria, specifically discussed street improvements and critical areas mitigation (wetland and stream), and staff recommendation (see Exhibit A).

From the Applicant

Jason Running, Project Manager
Bill Lihudis, Builder

Mr. Running indicated that they understood the staff report, analysis and recommendations, and had no questions at this time. Mr. Lihudis noted that the target market was disabled veterans and that the homes were based on a "universal design" that is intended to include ADA components in all aspects of the residence. They provided clarification relative to retaining wall height, access and length of project.

From the Community

Diane Cloutier
Gary Boersma
Ellen Negron
Jacoub Awabdy

Mrs. Cloutier has had on-going problems with people crossing her property as a pedestrian route to Des Moines Way. She wanted to know if the project would address this situation. It was noted by Mr. Running and staff that there would be a retaining wall developed along the perimeter of the subject property, with fencing and/or landscaping for screening installed along the top of the wall, which should keep people from crossing the two properties.

Mr. Boersma Wanted to know what would happen to the existing on-site trees. It was noted by staff that trees would be removed to accommodate construction, and that the City has the requirement to replant as part of required landscaping. In addition, the wetland buffer area will be planted with numerous native trees and plants, which will add to the number of trees and vegetation to the overall site.

Ms. Negron currently has access to her property via an easement over the subject property and wondered how the project may affect her access. One of the conditions of approval is to abandon the easement and make the access a public street, which will involve moving the right-of-way a few feet north and removal of two trees. This work may involve closing the access for about 48 hours for paving.

Mr. Awabdy was curious as to how long the construction would take, noting concerns about noise and dust. Mr. Running noted that at this time a specific schedule is largely market driven and uncertain, but that once underway construction time would likely be from 6 to 8 months or at most a year.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 6 and 7 in Exhibit A, Staff Recommendation, July 27, 2009, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 13 in Exhibit A, Staff Recommendation, July 27, 2009, is accurate and hereby adopted by reference.

3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 13 and 14 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 14 through 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference. In particular, they include the following:

General Compliance	pages 14 and 15
Lot Size and Layout	page 15
Street Improvements, Access & Parking	pages 16 through 18
Utilities	pages 18 through 20
Surface Water Management	pages 20 through 22
Fee-In-Lieu of Recreation Space	page 22
Tree Retention and Landscaping	page 23
Critical Area Evaluation	pages 23 through 27
5. The Facts and Conclusion regarding compliance with the Preliminary Plat Map requirements on page 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on pages 27 and 28 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a 17 lot residential subdivision be approved, subject to the conditions found on pages 2 through 6 of Exhibit A, Staff Recommendation, July 27, 2009.

Entered this 21st day of August, 2009.


Donald B. Largen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated July 27, 2009.
- B. Two emails in response to DNS from Seattle Public Utilities and METRO Transit.

PARTIES OF RECORD

Jason Running/Bill Lihudis
Walker Creek Ridge, LLC
12452 12th Avenue South
Seattle, WA 98168

Gary Boersma
318 South 174th Place, Unit K
Burien, WA 98148

Ellen Negron
17464 Ambaum Blvd. South
Burien, WA 98146

Community Development Department
Public Works Department

Diane Cloutier
252 South 173rd Place
Burien, WA 98148

Jacoub Awabdy
253 South 173rd Place
Burien, WA 98148

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 303

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING APPROVAL OF THE WALKER CREEK RIDGE
SUBDIVISION**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on August 14, 2009 at which testimony from city staff, the applicant and public was heard regarding the preliminary plat approval of the Walker Creek Ridge Subdivision; and,

WHEREAS, on August 21, 2009 the Hearing Examiner issued a recommendation to the City Council; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council, having considered the Walker Creek Ridge Subdivision preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Walker Creek Ridge Subdivision preliminary plat and adopts the Hearing Examiner's findings and conclusions attached as Exhibit "A", as fully incorporated herein as if fully set forth.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 14th DAY OF SEPTEMBER, 2009.

CITY OF BURIEN, WASHINGTON
/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 9, 2009
Passed by the City Council: September 14, 2009
Resolution No.: 303

**CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Jason Running for Walker Creek Ridge, LLC

CASE NO.: PLA 08-1524

LOCATION: NW corner of Des Moines Memorial Drive & South 176th Street
(see Exhibit A, Attachment 1)

APPLICATION: Request to subdivide a 3.98 acre parcel into seventeen single family lots in an RS-7,200 zoning district (see Exhibit A).

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Walker Creek Ridge application was opened at 2:00 p.m., August 14, 2009, in City Hall, Burien, Washington, and closed at 2:33 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

Chip Davis, Project Planner: Provided a summary of the project components, provided staff's analysis regarding approval criteria, specifically discussed street improvements and critical areas mitigation (wetland and stream), and staff recommendation (see Exhibit A).

From the Applicant

Jason Running, Project Manager
Bill Lihudis, Builder

Mr. Running indicated that they understood the staff report, analysis and recommendations, and had no questions at this time. Mr. Lihudis noted that the target market was disabled veterans and that the homes were based on a "universal design" that is intended to include ADA components in all aspects of the residence. They provided clarification relative to retaining wall height, access and length of project.

From the Community

Diane Cloutier
Gary Boersma
Ellen Negron
Jacoub Awabdy

Mrs. Cloutier has had on-going problems with people crossing her property as a pedestrian route to Des Moines Way. She wanted to know if the project would address this situation. It was noted by Mr. Running and staff that there would be a retaining wall developed along the perimeter of the subject property, with fencing and/or landscaping for screening installed along the top of the wall, which should keep people from crossing the two properties.

Mr. Boersma Wanted to know what would happen to the existing on-site trees. It was noted by staff that trees would be removed to accommodate construction, and that the City has the requirement to replant as part of required landscaping. In addition, the wetland buffer area will be planted with numerous native trees and plants, which will add to the number of trees and vegetation to the overall site.

Ms. Negron currently has access to her property via an easement over the subject property and wondered how the project may affect her access. One of the conditions of approval is to abandon the easement and make the access a public street, which will involve moving the right-of-way a few feet north and removal of two trees. This work may involve closing the access for about 48 hours for paving.

Mr. Awabdy was curious as to how long the construction would take, noting concerns about noise and dust. Mr. Running noted that at this time a specific schedule is largely market driven and uncertain, but that once underway construction time would likely be from 6 to 8 months or at most a year.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 6 and 7 in Exhibit A, Staff Recommendation, July 27, 2009, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Fact and Conclusion regarding compliance with SEPA review on page 13 in Exhibit A, Staff Recommendation, July 27, 2009, is accurate and hereby adopted by reference.

3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 13 and 14 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 14 through 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference. In particular, they include the following:

General Compliance	pages 14 and 15
Lot Size and Layout	page 15
Street Improvements, Access & Parking	pages 16 through 18
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Tree Retention and Landscaping	page 23
Critical Area Evaluation	pages 23 through 27
5. The Facts and Conclusion regarding compliance with the Preliminary Plat Map requirements on page 27 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.
6. The Facts and Conclusion regarding compliance with the Comprehensive Plan on pages 27 and 28 in Exhibit A, Staff Recommendation, July 27, 2009, are accurate and are hereby adopted by reference.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a 17 lot residential subdivision be approved, subject to the conditions found on pages 2 through 6 of Exhibit A, Staff Recommendation, July 27, 2009.

Entered this 21st day of August, 2009.


Donald B. Largen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated July 27, 2009.
- B. Two emails in response to DNS from Seattle Public Utilities and METRO Transit.

PARTIES OF RECORD

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Community Development Department
Public Works Department

Diane Cloutier
252 South 173rd Place
Burien, WA 98148

Jacoub Awabdy
253 South 173rd Place
Burien, WA 98148



Notice of Decision

City of Burien

400 SW 152nd Street, Suite 300

Burien, Washington 98166

Date	September 15, 2009
Applicant	Jason Running for Walker Creek Ridge, LLC
Proposal	Subdivide One Existing 3.98 Acres (173,428 Square Feet) Residential Lot Into Seventeen (17) Single-Family Residential Lots with the Construction of New Single-Family Dwellings.
File No.	PLA 08-1524
Location	NW Corner of Des Moines Memorial Drive South & South 176 th Street, Burien, Washington
Tax Parcel No.	292304-9501
Decision	Burien City Council approved the application with conditions by adopting Resolution No. 303 on September 14, 2009.
SEPA Determination	Determination of Nonsignificance issued on July 27, 2009.
Appeals	The City of Burien has issued the final decision described above. This decision may be appealed to Superior Court pursuant to Burien Municipal Code Section 2.20.050.
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Charles W. "Chip" Davis, Project Planner Department of Community Development City of Burien 400 SW 152 nd Street, Suite 300 Burien, WA 98166 Phone: (206) 248-5501 E-Mail: chipd@burienwa.gov
Attachments	Conditions of Approval and Development Standards

CONDITIONS OF PRELIMINARY SUBDIVISION APPROVAL

Walker Creek Ridge Preliminary Subdivision, PLA 08-1524

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2005 King County Surface Water Design Manual and the 2007 King County Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Development Requirements, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements. When a condition of approval below conflicts with a development requirement in Attachment 2, the condition of approval shall be followed. **Preliminary approval does not guarantee that the number of lots proposed can be accommodated on the subject parcel** (see Conclusion II.E.1). The applicant may want to modify the size or configuration of lots prior to submittal of the final plat to better address required development standards (see Conclusion II.E.2).
2. Prior to recording the final plat, the applicant shall:
 - a. Provide proper and legal access through proposed Public Street to Parcel Number 292304-9463. Applicant shall extinguish existing easement (Recording Number 7505220337) in accordance with the letter dated March 31, 2009 between the applicant and the easement owner; or the applicant shall relocate the proposed Public Street to be outside the existing easement and driveway (see Conclusion II.E.3).
 - b. Submit detailed on-site street, access and frontage improvement plans for Public Works Department review that include the design of a new public street, joint use driveway and frontage improvements designed in accordance with the requirements of the 2007 KCRS and addressing concerns expressed in the April 7, 2009 Development Review Engineer's review memorandum and by the site plan and Certificate of Fire Hydrant Availability approved by the Fire Marshal on July 30, 2008. Plans for this work shall be prepared by a Civil Engineer, licensed in the State of Washington (see Conclusion II.E.3).
 - c. Submit an illumination plan for the proposed Public Street and Des Moines Memorial Drive South for review and approval by the Public Works Department (see Conclusion II.E.3).
 - d. Submit a channelization and signage plan for the proposed Public Street and Des Moines Memorial Drive South for review and approval by the Public Works Department (see Conclusion II.E.3).
 - e. Submit detailed storm water improvement plans for Public Works Department review that include the design of the new on-site storm water detention and treatment facilities for proposed development. The proposed improvements shall address the concerns outlined in the April 7, 2009 Development Review Engineer's review memorandum. Plans for this work shall be prepared by a Civil Engineer, licensed in the State of Washington (see Conclusion II.E.5).

- f. Submit a revised plat map which shall include, but not be limited to the following changes as outlined in the Development Review Engineer's Memorandum, dated April 7, 2009 (see Conclusion II.F.1):
 - i. Indicate all required and proposed frontage improvements for proposed Public Street and Des Moines Memorial Drive South (see Conclusion II.E.3).
 - ii. indicate the dedication of proposed Public Street to the City of Burien (see Conclusion II.E.3)
 - iii. Indicate the dedication of proposed Detention Tract to the City of Burien as a public storm water tract (see Conclusion II.E.5).
 - iv. Indicate that maintenance and operation of private recreation space in Detention Tract and all on-site drainage facilities in Detention Tract are the responsibility of the property owner or other entity capable of long-term maintenance and operation in a manner acceptable to the City of Burien (see Conclusions II.E.5 and II.E.6).
- g. Submit final construction plans; these plans shall include, but not be limited to the following modifications and corrections:
 - i. Indicate improved public street and Des Moines Memorial Drive South with frontage improvements to be improved to the standards identified by the Development Review Engineer's Memorandum dated April 7, 2009 (see Conclusion II.E.3).
 - ii. Indicate that the Public Street has been designed to accommodate public safety and fire access concerns (see Conclusions II.B.2, II.E.3 and II.E.4).
 - iii. Indicate all on-site surface water management facilities proposed to address the concerns expressed by the Development Review Engineer's Memorandum dated April 7, 2009 (see Conclusion II.E.5).
 - iv. Indicate all access and utility easements or reference documents pertaining to side sewer and water utility easements, which are necessary to provide service to the referenced lot (see Conclusion II.E.4).
- h. Submit revised Significant Tree Retention Plan demonstrating compliance with the 30% retention requirement for significant trees located outside of critical areas or buffers and showing the location of proposed new and replacement trees, if required, for review and approval by the Director (see Conclusion II.E.7).
- i. Submit revised Landscape Plans showing the location of a fence or rapid growing evergreen shrubs between the new Public Street and the west property line for review and approval by the Director (see Conclusion II.E.7).
- j. Submit detailed drawings of recreational space in conformance with the requirements of BMC 18.35.170 and 18.35.180 or pay a fee in lieu of providing 6,630 square feet of recreation space on the property or some combination thereof. The fee shall be 6,630 square feet x the current assessed value per square foot of the property at time of final plat submittal (see Conclusion II.E.6).
- k. Improve proposed Public Street to service the development and impose restrictions on the street as required by the Fire Marshal (see Conclusion II.B.4).
- l. Install required street lights and underground all utilities as required by the appropriate District or utility (see Conclusion II.E.4).
- m. Install all required landscaping and new and replacement significant trees as

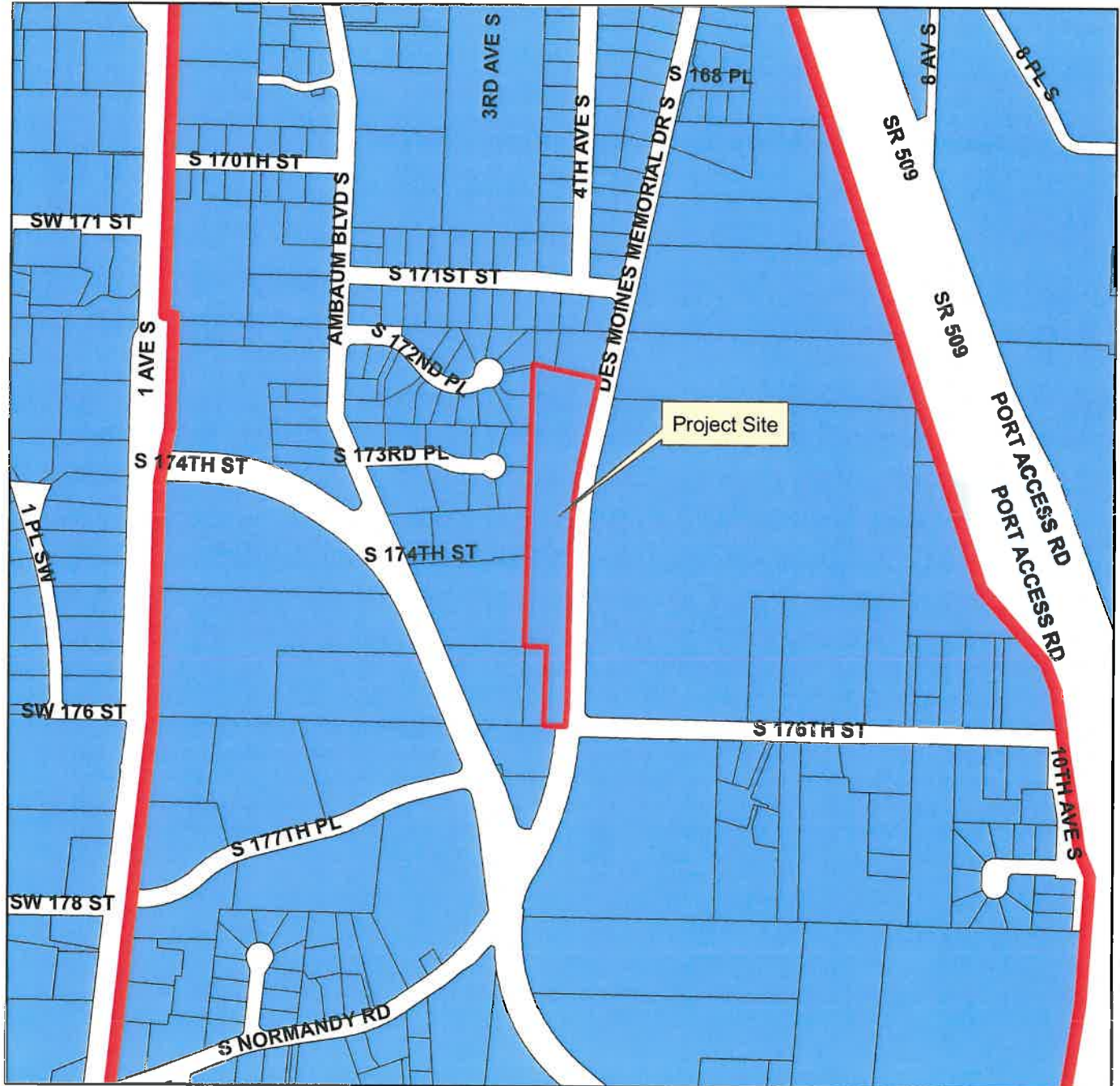
- specified in the revised and approved Significant Tree Retention Plan (see Conclusion II.E.7).
- n. Install all surface water facilities as required and provide approved performance and maintenance bonds or other security methods as required by the Public Works Department (see Conclusion II.D.1 and II.E.3).
 - o. Install the public street and Des Moines memorial Drive South improvements as required and provide approved performance and maintenance bonds or other security methods as required by the Public Works Department and consistent with Subdivision Code Sections 17.25.010 and 17.30.040 (see Conclusion II.E.3).
 - p. Install a permanent split rail or solid wood fence with appropriate notices to delineate the upland boundary of the critical area buffer (see Conclusion II.E.8).
 - q. Submit for review and recording, a signed and notarized Critical Area Protective Easement Agreement (see Attachment 36 and Conclusion II.E.8).
3. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain Right-of-Way Construction Permit and Grading and Clearing Permit for all work to be completed in the public right-of-way and on-site (see Conclusion II.E.3).
4. Prior to the issuance of development permits for any development on the subject parcel, the applicant shall:
- a. Submit erosion control plans and designate a Certified Erosion and Sedimentation Control Lead for the project for City review and approval (see Conclusion II.E.5).
 - b. Obtain an NPDES Permit for construction activities from the Department of Ecology and an HPA Permit from the Department of Fisheries (see Conclusion II.E.5).
 - c. Submit for review and recording, a signed and notarized Critical Area Notice and Hold Harmless Agreement (see Attachment 35 and Conclusion II.E.8).
 - d. Submit a significant tree retention plan identifying trees to remain, new or replacement trees and protective measures for significant trees for review and approval by the Department of Community Development. (see Development Regulations, Attachment 2, and Conclusion II.E.7).
 - e. Protect all significant trees identified in the tree retention plan at the drip line by a temporary five-foot high chain link or plastic net fence prior to grading of the site. Tree protection measures as outlined in BMC Section 19.25 shall be followed prior to and during construction (see Conclusion II.E.7).
 - f. Protect on-site critical area by installing a temporary construction fence of chain link or orange plastic fencing of at least 4' high to delineate the outer edge of the buffer and building setback line (see Conclusion II.E.8).
 - g. Submit a plan and assurance that all new trees and landscaping will be privately maintained for a period of at least two years following installation (see Conclusion II.E.7).
 - h. Demonstrate compliance with all of the requirements of the Fire Marshal relating to access and fire safety (see Conclusion II.E.4).
 - i. Stake site clearing limits, clearly mark any existing vegetation to be saved, and

hold a pre-construction meeting at the site to review and discuss all aspects of the project with the landscape contractor and owner, in accordance with the applicant's Buffer Averaging and Enhancement Plan by The Watershed Company, dated December 17, 2008 (see Conclusion II.E.8).

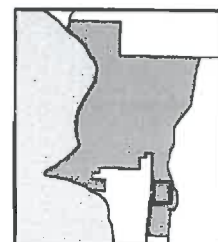
5. During and after completion of construction activities on the subject parcel, the applicant shall:
 - a. Provide for wetland consultant supervision of the applicant's Buffer Averaging and Enhancement Plan during construction on the subject parcel, to ensure that objectives and specifications of the plan are met. Any necessary significant modifications to Plan design that occur as a result of unforeseen site conditions shall be jointly approved by the City of Burien and the consultant prior to their implementation (see Conclusion II.E.8).
 - b. Conduct a monitoring program for five years on the subject parcel in conformance with the monitoring required by the applicant's Buffer Averaging and Enhancement Plan and BMC Chapter 19.40 Critical Areas. Applicant shall submit annual monitoring reports to the City (see Conclusion II.E.8).
 - c. Conduct wetland and buffer maintenance required by the applicant's Buffer Averaging and Enhancement Plan and BMC Chapter 19.40 Critical Areas (see Conclusion II.E.8).
6. Prior to final inspection, the applicant shall:
 - a. Submit for the Director's review and approval a wetland mitigation as-built plan and initiate five year monitoring program with annual reports in conformance with the provisions of BMC 19.40.170.



City of Burien Walker Creek Subdivision Final Plat Des Moines Memorial Dr. & So. 176th



THE CITY OF BURIED DISCLAIMS ANY
WARRANTY OF FITNESS OF USE FOR A
PARTICULAR PURPOSE EXPRESS OR IMPLIED
WITH RESPECT TO THIS PRODUCT.



Area of Detail





CITY OF BURIEN, WASHINGTON
DEPARTMENT OF COMMUNITY
DEVELOPMENT NO. PLA 08-1524

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS, AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED. FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, AND ANY PERSON OR ENTITY DERIVING TITLE FOR THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF BURIEN, ITS SUCCESSORS AND ASSIGNS TO WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF BURIEN, FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF BURIEN, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION, PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF BURIEN, ITS SUCCESSORS ASSIGNED, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF BURIEN, ITS SUCCESSORS, OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

ON BEHALF OF DENOVA NORTHWEST, LLC _____ DATE _____

ON BEHALF OF _____ DATE _____

STATE OF _____ } ss
COUNTY OF _____
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT

IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE) SIGNED THE INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC
PRINTED NAME OF _____
NOTARY PUBLIC

TITLE _____
MY APPOINTMENT EXPIRES _____

STATE OF _____ } ss
COUNTY OF _____
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT

IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE) SIGNED THE INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC
PRINTED NAME OF _____
NOTARY PUBLIC

TITLE _____
MY APPOINTMENT EXPIRES _____

RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 20____ at _____ M
in book _____ of _____ at page _____ at the request of
Jonathan M. Becker.

Mgr.

Supt. of Records

Jonathan M. Becker, PLS
Certificate No. 41277

WALKER CREEK

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

ASSESSOR _____

DEPUTY ASSESSOR _____

ACCOUNT NUMBER _____

KING COUNTY FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID IN ACCORDANCE WITH RCW 58.08.030 AND 58.08.040 AND THAT A DEPOSIT HAS BEEN MADE WITH THE KING COUNTY FINANCE DEPARTMENT IN SUFFICIENT AMOUNT TO PAY THE TAXES FOR THE FOLLOWING YEAR. THIS _____ DAY OF _____, 20____

MANAGER, FINANCE DIVISION _____

DEPUTY _____

GENERAL NOTES:

- 1) THE WALKER CREEK HOMEOWNERS ASSOCIATION (HOA) WAS ESTABLISHED ON APRIL 13, 2015 (ARTICLES OF INCORPORATION ON FILE IN OLYMPIA). KCRN
- 2) 3RD CIRCLE SOUTH SHALL BE DEDICATED TO THE CITY OF BURIEN AS PUBLIC RIGHT-OF-WAY UPON RECORDING OF THIS PLAT.
- 3) A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO: KING COUNTY WATER DISTRICT 49, SOUTHWEST SUBURBAN SEWER DISTRICT, CENTURYLINK, AT&T, COMCAST COMMUNICATIONS CABLE AND FOR PUGET SOUND ENERGY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS OR TRACTS AS SHOWN HEREON AND AS DIMENSIONED WITHIN LOT 10 AND 12, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPES, MAINS, CONDUITS, MAIN CABLES AND WIRES WITH WATER, SEWER, ELECTRIC, TELEPHONE, TV AND GAS SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THE EASEMENT ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY - SEE (A), (C) & (H) ON SHEETS 3 AND 4.
- 4) A NON-EXCLUSIVE PUBLIC STORM DRAINAGE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO: CITY OF BURIEN AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UPON A PORTION OF TRACT B, AS DELINEATED ON SHEET 3 OF 4. CITY OF BURIEN SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR STORM DRAINAGE FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (B) ON SHEET 3.
- 5) A NON-EXCLUSIVE SEWER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO SOUTHWEST SUBURBAN SEWER DISTRICT UNDER AND UPON THE EAST 15-FEET OF LOTS 1 THROUGH 9, TRACT E AND LOTS 15 THROUGH 16, AS DELINEATED ON SHEET 3 AND 4 OF 4. SOUTHWEST SUBURBAN SEWER DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR SEWER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (C) ON SHEET 3 AND 4.
- 6) A NON-EXCLUSIVE PUBLIC STORM DRAINAGE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO: CITY OF BURIEN AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UPON THE EAST 15-FEET OF LOTS 1 THROUGH 8, TRACT E AND LOTS 15 THROUGH 16, AS DELINEATED ON SHEET 3 AND 4 OF 4. CITY OF BURIEN SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR STORM DRAINAGE FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (C) ON SHEET 3 AND 4.
- 7) A NON-EXCLUSIVE WATER EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO KING COUNTY WATER DISTRICT 49 UNDER AND UPON LOTS 9 AND 10, TRACTS E & F AND LOT 15, AS DELINEATED ON SHEET 4 OF 4. KING COUNTY WATER DISTRICT 49 SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF THEIR WATER FACILITIES WITHIN THE EASEMENT AND SHALL RESTORE THE EASEMENT AREA AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION IN THE EVENT OF SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SAID FACILITIES - SEE (E) ON SHEET 4.
- 8) THE ADDRESSES RANGE FOR THIS PLAT WILL BE FROM 17320 TO 17499 ALONG 3RD CIRCLE SOUTH AND FROM 17571 TO 17599 ALONG DES MOINES MEMORIAL DRIVE SOUTH.
- 9) NO PERMANENT STRUCTURE, FILL OR OBSTRUCTION SHALL BE PERMITTED WITHIN PUBLIC DRAINAGE AND UTILITIES EASEMENTS. ADDITIONALLY, GRADING AND CONSTRUCTION OF FENCING SHALL NOT BE ALLOWED WITHIN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT MAP UNLESS OTHERWISE APPROVED BY CITY OF BURIEN OR ITS SUCCESSOR AGENCY.
- 10) PARKING SHALL NOT BE ALLOWED ON ANY PORTION OF THE STREETS LOCATED WITHIN THIS SUBDIVISION (3RD CIRCLE SOUTH AND TRACT F). HOMEOWNERS ASSOCIATION OR OTHER OWNERSHIP ORGANIZATION SHALL SPECIFICALLY ENFORCE THIS PROVISION TO ENSURE A CLEAR VEHICLE AND PEDESTRIAN PATH AT ALL TIMES. TOWING, IF REQUIRED, SHALL BE THROUGH BURIEN POLICE.
- 11) THE HOA WILL BE RESPONSIBLE FOR PAYMENT OF STREET LIGHT BILLING. THE CITY OF BURIEN WILL NOT TAKE ANY RESPONSIBILITY FOR PAYMENT OF STREET LIGHT BILLING AND MAINTENANCE.
- 12) INDIVIDUAL LOT BMP'S TO BE ADDRESSED AT TIME OF BUILDING PERMIT ISSUANCE PER KCSWDM 5.2.2.1.
- 13) THE TRACTS SHOWN HEREON ARE TRACTS OF LAND RESERVED FOR SPECIFIED USES INCLUDING, BUT NOT LIMITED TO CRITICAL AREAS, RECREATION SPACE, DRAINAGE, ACCESS AND UTILITIES. TRACTS ARE NOT CONSIDERED LOTS OR BUILDING SITES FOR PURPOSES OF RESIDENTIAL CONSTRUCTION - SEE TRACT NOTES, THIS SHEET.
- 14) THE HOA SHALL BE RESPONSIBLE FOR CONSTRUCTION, MAINTENANCE, AND REPAIR OF THE ROCKERY WITHIN DES MOINES MEMORIAL DRIVE SOUTH RIGHT OF WAY AT THEIR SOLE COST UPON RECORDING OF THIS PLAT. THE HOA SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF BURIEN FOR INJURY, DAMAGE AND COSTS ARISING FROM THE CONSTRUCTION, MAINTENANCE AND REPAIR OF THE ROCKERY WITHIN THE DES MOINES MEMORIAL DRIVE SOUTH RIGHT OF WAY.
- 15) A CRITICAL AREA PROTECTIVE EASEMENT IN CONFORMANCE WITH THE PROVISIONS OF BMC 19.40.220 FOR THE CRITICAL AREAS LOCATED WITHIN TRACT B, HEREON, IS RECORDED IN KING COUNTY PER KCRN

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF WALKER CREEK IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 29, TOWNSHIP 23 N, RANGE 04 E, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISION OF THE PLATTING REGULATIONS



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RECORDING NO. _____

VOL./PAGE _____

PORTION OF _____

SE 1/4 of SW 1/4, S. 29 T. 23 N., R. 04 E., W.M.

CITY OF BURIEN APPROVALS:

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

DEVELOPMENT REVIEW ENGINEER _____

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

DIRECTOR OF COMMUNITY DEVELOPMENT _____

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____

CITY CLERK _____

MAYOR, CITY OF BURIEN _____

TRACT NOTES:

- 1) TRACT A IS A TRACT FOR STORM DRAINAGE FACILITIES FOR THE BENEFIT OF THE PUBLIC AND WILL BE DEDICATED TO THE CITY OF BURIEN UPON RECORDING OF THIS PLAT FOR THE MAINTENANCE OF THE STORM DRAINAGE FACILITIES LOCATED IN TRACT A.
- 2) TRACT B IS A TRACT FOR CRITICAL AREAS IN CONFORMANCE WITH THE PROVISIONS OF BMC 19.40.220 AND WILL BE DEDICATED TO THE HOA UPON RECORDING OF THIS PLAT FOR THE MAINTENANCE OF THE CRITICAL AREAS LOCATED IN TRACT B.
- 3) TRACT C IS A TRACT FOR ACCESS AND UTILITIES FOR THE BENEFIT OF LOTS 13 & 14. OWNERSHIP OF LOTS 13 & 14 INCLUDES AN EQUAL AND UNDIVIDED 1/2 OWNERSHIP IN SAID TRACT C. MAINTENANCE OF THE DRIVEWAY LOCATED ON TRACT C WILL BE SHARED EQUALLY.

TRACT C ALSO CONTAINS A SIDE SEWER AND PRIVATE DRAINAGE EASEMENT FOR THE BENEFIT OF LOTS 12, 13 & 14. OWNERSHIP OF LOTS 12, 13 & 14 INCLUDES AN EQUAL AND UNDIVIDED 1/3 INTEREST IN THE SIDE SEWER AND PRIVATE DRAINAGE FACILITIES WITHIN SAID TRACT C AND THE MAINTENANCE OF THE SIDE SEWER AND PRIVATE DRAINAGE FACILITIES LOCATED ON TRACT C WILL BE SHARED EQUALLY.
- 4) TRACT D IS A TRACT FOR RECREATION SPACE IN CONFORMANCE WITH THE PROVISIONS OF BMC 19.17.013 AND WILL BE DEDICATED TO THE HOA UPON RECORDING OF THIS PLAT FOR THE MAINTENANCE OF THE OPEN SPACE LOCATED ON TRACT D.
- 5) TRACT E IS A TRACT FOR ACCESS AND UTILITIES FOR THE BENEFIT OF LOTS 15 - 17, INCLUSIVE. OWNERSHIP OF LOTS 15 - 17, INCLUSIVE INCLUDES AN EQUAL AND UNDIVIDED 1/3 OWNERSHIP IN SAID TRACT E. MAINTENANCE OF THE DRIVEWAY LOCATED ON TRACT E WILL BE SHARED EQUALLY. A SEPARATE EASEMENT DOCUMENT HAS BEEN RECORDED TO GRANT ACCESS FOR THE BENEFIT OF THE OWNER OF TAX PARCEL 292304-9463 OVER THE DRIVEWAY LOCATED ON TRACT E AND TO ESTABLISH MAINTENANCE RESPONSIBILITY.
- 6) TRACT F IS A TRACT FOR ACCESS AND UTILITIES FOR THE BENEFIT OF LOTS 15 - 17, INCLUSIVE. OWNERSHIP OF LOTS 15 - 17, INCLUSIVE INCLUDES AN EQUAL AND UNDIVIDED 1/3 OWNERSHIP IN SAID TRACT F. MAINTENANCE OF THE DRIVEWAY LOCATED ON TRACT F WILL BE SHARED EQUALLY.

CITY OF BURIEN SUBDIVISION NO.:

PLA 08-1524

FOR:

DENOVA NORTHWEST, LLC

DWN. BY	JMB	DATE	9/22/2015	JOB NO.	14288
CHKD. BY	JMB	SCALE	N/A	SHEET	1 OF 4



CITY OF BURIEN, WASHINGTON
DEPARTMENT OF COMMUNITY
DEVELOPMENT NO. PLA 08-1524

WALKER CREEK

RECORDING NO.

VOL/PAGE

PORTION OF

SE 1/4 of SW 1/4, S. 29 T. 23 N., R. 04 E., W.M.

LEGAL DESCRIPTION

* 4209-2523385 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED SEPTEMBER 4, 2015 AND SUPPLEMENTAL REPORT 1, DATED SEPTEMBER 11, 2015.

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF DES MOINES WAY SOUTH, NOW KNOWN AS DES MOINES MEMORIAL DRIVE;

EXCEPT THAT PORTION LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY MARGINAL LINE OF SAID DES MOINES WAY A DISTANCE OF 160.50 FEET SOUTHERLY OF THE INTERSECTION OF THE MARGINAL LINE WITH THE NORTH BOUNDARY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;
THENCE WESTERLY AT RIGHT ANGLE TO SAID ROAD MARGINAL LINE 227.72 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WEST BOUNDARY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;

ALSO EXCEPT THE WEST 74 FEET OF THE SOUTH 263.50 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER.

BASIS OF BEARING

BASIS OF BEARING: NORTH 01°13'51" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., REFERENCED TO NAD83 PER RECORD OF SURVEY, KING COUNTY RECORDING NO. 20060223900002.

PROCEDURAL STATEMENT

THE RELATIVE POSITIONS SHOWN ON THIS SURVEY REPRESENT A FIELD TRAVERSE AND ARE REPORTED TO A RELATIVE ACCURACY THAT MEETS OR EXCEEDS A TOLERANCE OF 1:20,000.

CERTIFICATE OF CONFORMANCE

THIS SURVEY WAS PERFORMED WITH A TOPCON GTS 211-D ELECTRONIC THEODOLITE READING DIRECT TO 5 SECONDS OF ARC AND MEASURING DISTANCE $\pm(3+(2PPM \times D))$ MM. NGS BASELINE COMPARED NOVEMBER, 2005. THIS SURVEY MEETS THE MINIMUM STANDARDS SET FORTH IN WAC 332-130.

BOUNDARY DETAIL

SCALE: 1" = 100'

SURVEY NOTES

- 1) THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD SURVEY BASED ON RECORD OF SURVEY, KING COUNTY UNDER RECORDING NO. 20060223900002.
- 2) FIELD WORK CONDUCTED IN NOVEMBER, 2005 AND AUGUST - DECEMBER, 2014 & JANUARY - JUNE, 2015.
- 3) THIS SURVEY WAS PERFORMED WITH A TOPCON GTS 3005LW & Q53 ELECTRONIC THEODOLITE READING DIRECT TO 5 SECONDS/3 SECONDS OF ARC AND MEASURING DISTANCE $\pm(3MM+(2PPM \times D))$. NGS BASELINE MOST RECENTLY COMPARED MAY, 2014. THIS SURVEY MEETS THE MINIMUM STANDARDS SET FORTH IN WAC 332-130.

REFERENCES

- 1) RECORD OF SURVEY, KING COUNTY RECORDING NO. 20060223900002.
- 2) RECORD OF SURVEY, KING COUNTY RECORDING NO. 20020816900027.
- 3) KING COUNTY RIGHT-OF-WAY MAP FOR DES MOINES MEMORIAL DRIVE.
- 4) PLAT OF INMO ESTATES, KING COUNTY RECORDING NO. 9608080418.

EASEMENTS

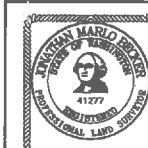
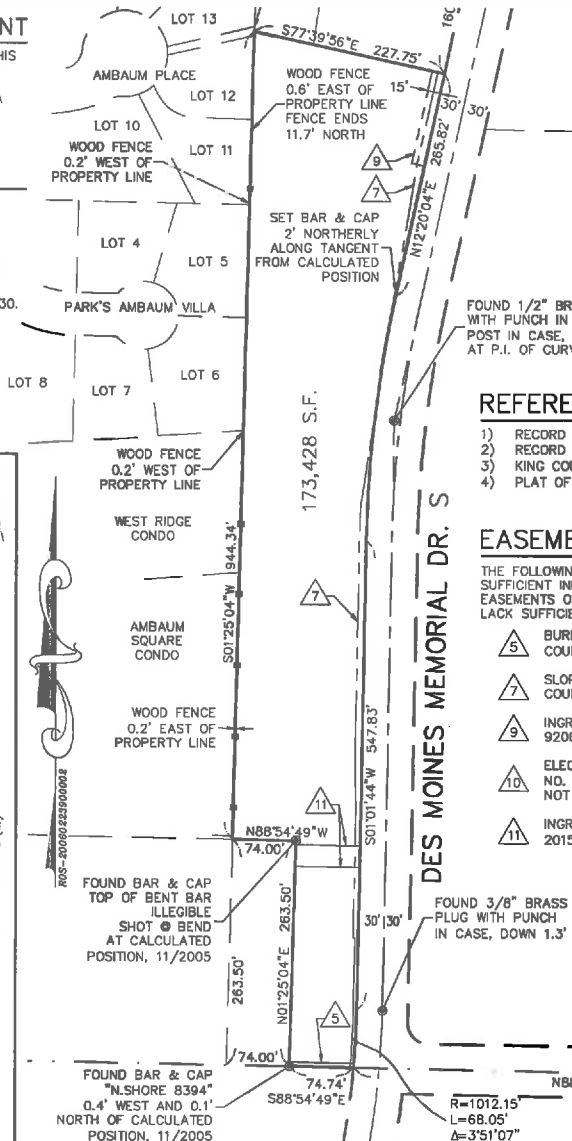
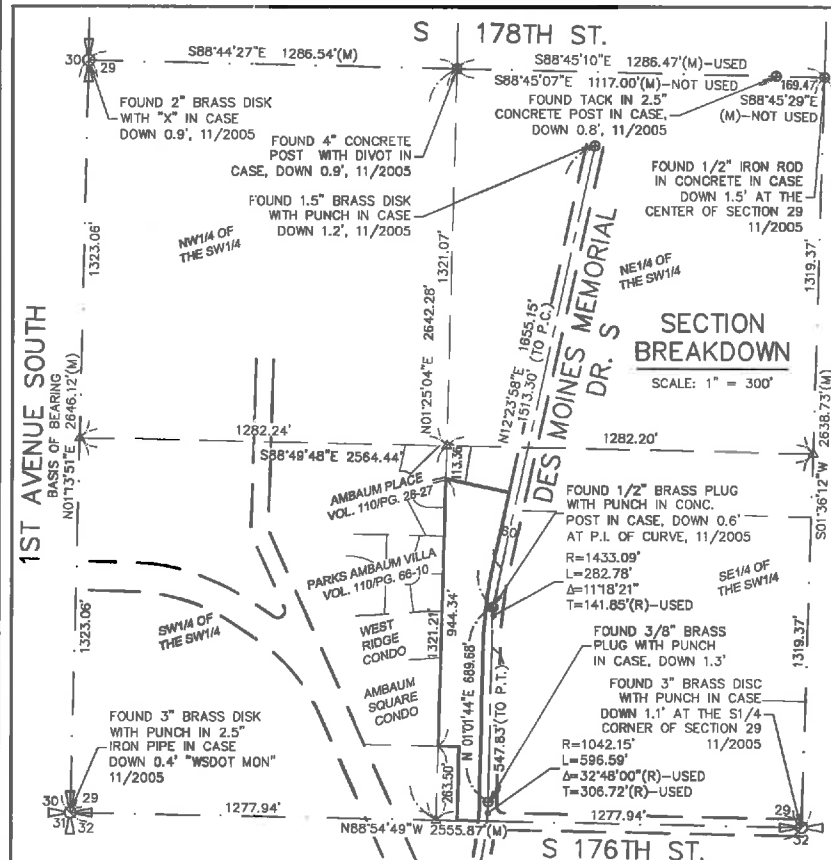
CORRESPONDS WITH ITEM NUMBER IN "SCHEDULE B" OF TITLE ORDER 4209-2422118.

THE FOLLOWING EASEMENTS FROM THE REFERENCED TITLE REPORT CONTAIN SUFFICIENT INFORMATION TO BE DEPICTED ON THE PLAN. OTHER EASEMENTS OR ENCUMBRANCES, IF ANY, MAY AFFECT THE PROPERTY, BUT LACK SUFFICIENT INFORMATION TO BE SHOWN.

- 5 BURIED CABLE EASEMENT ACROSS THE SOUTH 5 FEET PER KING COUNTY AUDITOR'S FILE NO. 6233741 - SHOWN
- 7 SLOPE EASEMENT ADJACENT TO DES MOINES WAY SOUTH PER KING COUNTY RECORDING NO. 7208220380 - SHOWN
- 9 INGRESS & EGRESS EASEMENT PER KING COUNTY RECORDING NO. 9206110559 - SHOWN
- 10 ELECTRIC TRANSMISSION EASEMENT PER KING COUNTY RECORDING NO. 20150129001486 - EASEMENT DESCRIBED "AS-CONSTRUCTED", NOT SHOWN
- 11 INGRESS AND EGRESS EASEMENT PER KING COUNTY RECORDING NO. 20150910000979 - SHOWN (SAME AS TRACT E, HEREON)

LEGEND

- FOUND MONUMENT IN CASE, AS NOTED
- ▲ CALCULATED POSITION ONLY - NOT SET
- FOUND BAR & CAP, AS NOTED
- SET MONUMENT IN CASE
- (M) DATA PER FIELD MEASUREMENT
- (C) DATA PER FIELD CALCULATION
- EXTERIOR BOUNDARY OF PLAT PROPERTY
- - - EXISTING STREET RIGHT-OF-WAY MARGIN



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CITY OF BURIEN SUBDIVISION NO.:

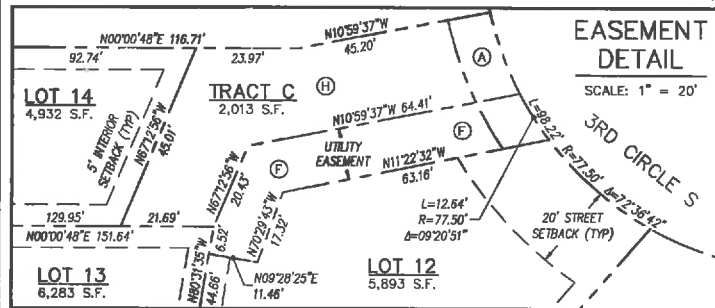
PLA 08-1524

FOR:
DENOVA NORTHWEST, LLC

DWN. BY	JMB	DATE	9/22/2015	JOB NO.	14288
CHKD. BY	JMB	SCALE	VARIES	SHEET	2 OF 4

PORTION OF

SE 1/4 of SW 1/4, S. 29 T. 23 N., R. 04 E., W.M.

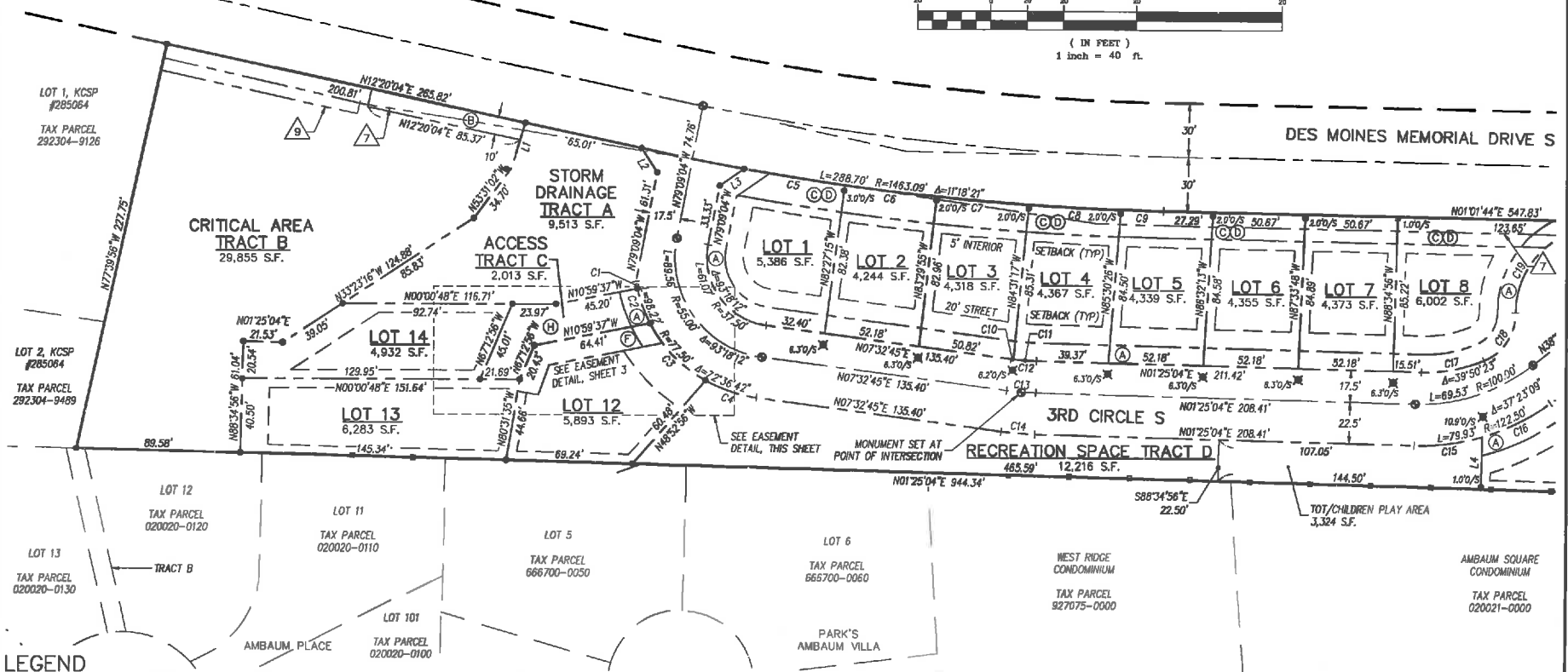
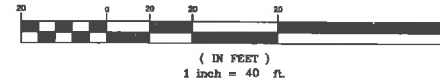


LINE	BEARING	DISTANCE
L1	N73°27'57"W	25.77'
L2	N56°35'30"E	15.77'
L3	N34°51'33"W	16.07'
L4	N88°34'56"W	28.37'

CURVE TABLE							
CURVE	LENGTH	RADIUS	DELTA	CURVE	LENGTH	RADIUS	DELTA
C1	4.06'	77.50'	3'00"00"	C11	12.81'	132.50'	5'32"24"
C2	20.33'	77.50'	15'01"43"	C12	14.17'	132.50'	6'07"41"
C3	44.32'	77.50'	32'45"53"	C13	16.04'	150.00'	6'07"41"
C4	29.51'	77.50'	21'49"06"	C14	18.45'	172.50'	6'07"41"
C5	56.05'	1463.09'	2'11"42"	C15	38.06'	122.50'	17'48"06"
C6	50.67'	1463.09'	1'59"03"	C16	41.87'	122.50'	19'35"04"
C7	50.67'	1463.09'	1'59"03"	C17	35.25'	82.50'	24'28"58"
C8	50.67'	1463.09'	1'59"03"	C18	33.59'	28.50'	67'31"34"
C9	23.38'	1463.09'	0'54"56"	C19	84.55'	45.50'	104'10"39"
C10	1.36'	132.50'	0'35"17"				



GRAPHIC SCALE



LEGEND

- | | | | |
|-----|--------------------------------------|-----|--|
| ● | SET 5/8" REBAR & CAP, L.S. # 41277 | (A) | UTILITY EASEMENT - SEE NOTE 3, SHEET 1 |
| ○ | FOUND REBAR & CAP, AS NOTED | (B) | PUBLIC DRAINAGE EASEMENT - SEE NOTE 4, SHEET 1 |
| ○ | SET MONUMENT IN CASE | (C) | SANITARY SEWER EASEMENT - SEE NOTE 5, SHEET 1 |
| ⊗ | SET LEAD & TACK/WASHER, L.S. # 41277 | (D) | PUBLIC DRAINAGE EASEMENT - SEE NOTE 6, SHEET 1 |
| --- | EXTERIOR BOUNDARY OF PLAT PROPERTY | (E) | WATER EASEMENT - SEE NOTE 7, SHEET 1 |
| --- | EXISTING STREET RIGHT-OF-WAY MARGIN | (F) | UTILITY EASEMENT - SEE NOTE 3, SHEET 1 |
| --- | PROPOSED STREET RIGHT-OF-WAY MARGIN | (G) | UTILITY EASEMENT - SEE NOTE 3, SHEET 1 |
| --- | BUILDING SETBACK LINE, AS NOTED | (H) | SIDE SEWER & PRIVATE DRAINAGE EASEMENT - SEE TRACT NOTE 3, SHEET 1 |
| f/s | LEAD & TACK OFFSET DISTANCE | | |



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CITY OF BURIEEN SUBDIVISION NO.:

PLA 08-1524

FOR: **DENOVA NORTHWEST, LLC**

DWN. BY	JMB	DATE	9/22/2015	JOB NO.	14288
CHKD. BY	JMB	SCALE	1" = 40'	SHEET	3 OF 4



CITY OF BURIEN, WASHINGTON
DEPARTMENT OF COMMUNITY
DEVELOPMENT NO. PLA 08-1524

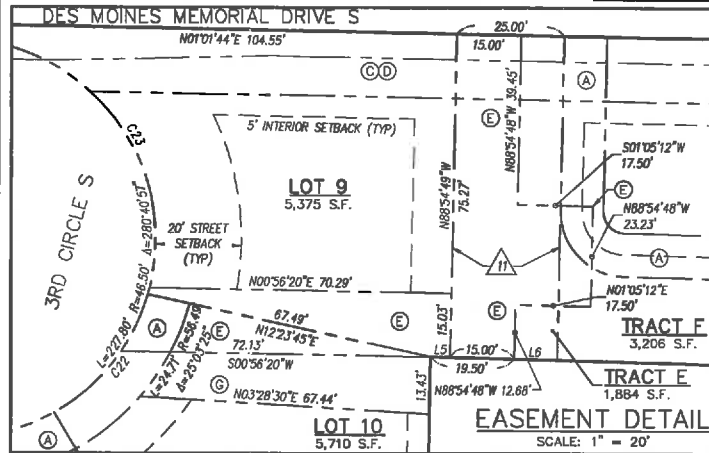
WALKER CREEK

RECORDING NO.

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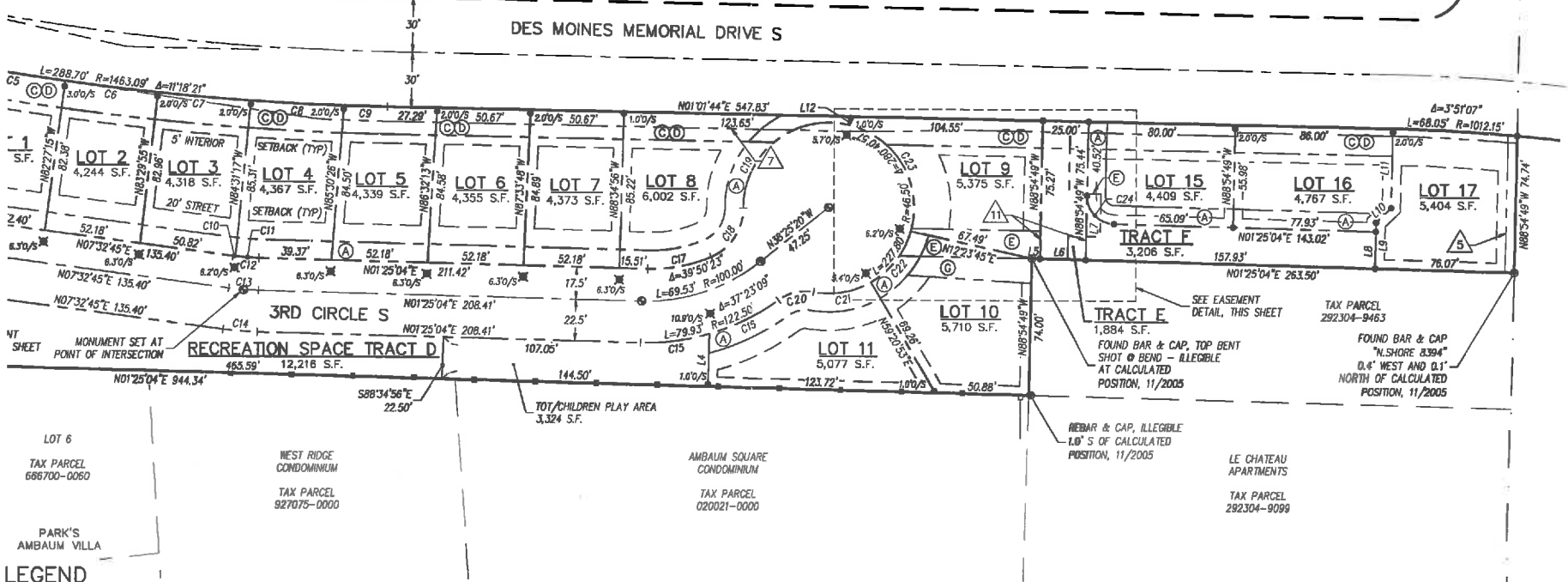
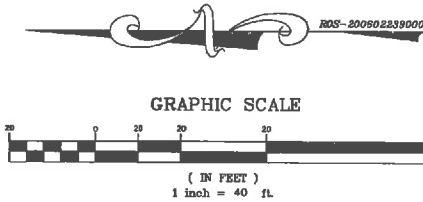
PORTION OF

SE 1/4 of SW 1/4, S. 29 T. 23 N. R. 04 E., W.M.



LINE TABLE		
LINE	BEARING	DISTANCE
L4	N88°34'56"W	28.37'
L5	N01°25'04"E	4.50'
L6	N01°25'04"E	25.00'
L7	N88°54'49"W	34.91'
L8	N88°54'49"W	20.00'
L9	N88°54'49"W	25.00'
L10	N43°34'56"W	11.36'
L11	N88°54'49"W	43.53'
L12	N76°24'49"W	4.72'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CURVE	DELTA
C5	56.05'	1463.09'	2°11'42"	C15	38.06'
C6	50.67'	1463.09'	1°59'04"	C16	41.87'
C7	50.67'	1463.09'	1°59'03"	C17	35.25'
C8	50.67'	1463.09'	1°59'03"	C18	33.59'
C9	23.38'	1463.09'	0°54'56"	C19	84.55'
C10	1.36'	132.50'	0°33'17"	C20	20.10'
C11	12.81'	132.50'	5°32'24"	C21	32.32'
C12	14.17'	132.50'	8°07'41"	C22	36.00'
C13	16.04'	150.00'	8°07'41"	C23	74.92'
C14	18.45'	172.50'	6°07'41"	C24	23.48'



LEGEND

- SET 5/8" REBAR & CAP, L.S. # 41277
- FOUND REBAR & CAP, AS NOTED
- SET MONUMENT IN CASE
- SET LEAD & TACK/WASHER, L.S. # 41277
- EXTERIOR BOUNDARY OF PLAT PROPERTY
- EXISTING STREET RIGHT-OF-WAY MARGIN
- PROPOSED STREET RIGHT-OF-WAY MARGIN
- BUILDING SETBACK LINE, AS NOTED
- #0/S LEAD & TACK OFFSET DISTANCE
- (A) UTILITY EASEMENT - SEE NOTE 3, SHEET 1
- (B) PUBLIC DRAINAGE EASEMENT - SEE NOTE 4, SHEET 1
- (C) SANITARY SEWER EASEMENT - SEE NOTE 5, SHEET 1
- (D) PUBLIC DRAINAGE EASEMENT - SEE NOTE 6, SHEET 1
- (E) WATER EASEMENT - SEE NOTE 7, SHEET 1
- (F) UTILITY EASEMENT - SEE NOTE 3, SHEET 1
- (G) UTILITY EASEMENT - SEE NOTE 3, SHEET 1
- (H) SIDE SEWER & PRIVATE DRAINAGE EASEMENT - SEE TRACT NOTE 3, SHEET 1



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CITY OF BURIEN SUBDIVISION NO.:

PLA 08-1524

FOR:

DENOVA NORTHWEST, LLC

DWN. BY	JMB	DATE	9/22/2016	JOB NO.	14288
CHKD. BY	JMB	SCALE	1" = 40'	SHEET	4 OF 4

**CITY OF BURIEN
COUNCIL PROPOSED AGENDA SCHEDULE
2015**

October 5, 7 pm Regular Meeting

**8:30 p.m. Recess to Transportation Benefit District (TBD No. 1) Board Meeting
(or as soon thereafter as the Council meeting adjourns), Council Chambers**

Proclamation Recognizing October 5, 2015, as World Teachers' Day.

(City Manager)

Proclamation Recognizing October 10, 2015, as World Mental Health Day.

(City Manager)

**Discussion and Possible Motion to Approve the 2015-2018 Cost Sharing Agreement with the
Highline School District for the School Resource Officer.**

(Finance – Council direction on 9/21)

Discussion on 2016 Federal and State Legislative Priorities.

(City Manager)

Discussion and Possible Action on Modified City Manager Evaluation Process.

(Legal)

Review of Council Proposed Agenda Schedule.

(City Manager)

October 19, 7 pm Regular Meeting

Presentation by the Highline High School Robotics Team.

(City Manager – Rescheduled from 9/21)

Motion to Adopt the 2016 State and Federal Legislative Priorities.

(City Manager)

Discussion and Possible Motion on Resolution No. XXX, Adopting Limited Shoreline Master
Program Amendments Prior to DOE Review.

(Community Development)

Review of Council Proposed Agenda Schedule.

(City Manager)

October 26, 7 pm Study Session

Presentation on the Goodwill Job Training Center by Betsy McFeely.

(City Manager)

Solid Waste Update.

(Public Works)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 2, 7 pm Regular Meeting

Discussion of Ordinance No. 627, Increasing the City's Surface Water Management Service
Charges and Amending Chapter 13.10 of the Burien Municipal Code.

(Finance)

Discussion of Ordinance No. 626, Adopting the City's 2016 Property Tax Levy.

(Finance)

Presentation of the 2015-2016 Mid-Biennial Budget Modification.

(Finance)

Presentation of the 2016 Financial Policies.

(Finance)

Public Hearing and Update on Revenue Sources and Expenditures for the 2015-2016
Mid-Biennial Budget Review.

(Finance)

Introduction for 2015 Comprehensive Plan and Zone Code Amendments.

(Community Development)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 16, 7 pm Regular Meeting

Motion to Approve Ordinance No. 626, Adopting the City's 2016 Property Tax Levy.

(Finance)

Motion to Approve Ordinance No. 627, Increasing the City's Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code.

(Finance)

Discussion of Ordinance No. 628, Amending the 2015-2016 Biennial Budget.

(Finance)

Discussion and Possible Adoption of 2015 Comprehensive Plan and Zoning Code Amendments.

(Community Development)

Review of Council Proposed Agenda Schedule.

(City Manager)

November 23, 7 pm Study Session

Joint Meeting of the City Council and Arts Commission to Discuss Art in Public Places Fund Policy.

(see attached detailed agenda)

(Parks – Rescheduled from 11/23)

Update on Low-Impact Development.

(Public Works)

Review of Council Proposed Agenda Schedule.

(City Manager)

December 7, 7 pm Regular Meeting

Motion to Adopt Ordinance No. 628, Amending the 2015-2016 Biennial Budget.

(Finance)

Motion to Adopt the 2016 Financial Policies.

(Finance)

Motion to Adopt 2015 Comprehensive Plan and Zoning Code Amendments.

(Community Development)

Review of Council Proposed Agenda Schedule.

(City Manager)

December 21, 7 pm Regular Meeting

Discussion on Developing a Youth Council.

(Parks - Council direction on 9/22/14)

Discussion on Fireworks.

(Legal - Council direction on 8/17/15)

Review of Council Proposed Agenda Schedule.

(City Manager)

December 28, 7 pm Study Session –CANCELLED**FUTURE AGENDA ITEMS (identified by Council)****Medium Priorities (1/24 Council Retreat)**

- a. Discussion on Managing Community Assets (White Center Library & Downtown Fire Station)

(Council direction on 7/25/15)

- b. Discussion on Community Recreation Center *(Council direction on 12/1/14)*

- c. Discussion on Burien 2025 *(Council direction on 6/15/15)*

- d. Discussion on Banning Plastic Bags *(Council direction on 1/24)*

Low Priorities (1/24 Council Retreat)

- e. Discussion on Wi-Fi Service in Common Areas *(Council direction on 9/15/14)*

- f. Discussion on Establishing Multiple Rates Within the Business and Occupation (B&O) Tax According to Different Sizes or Types of Businesses *(Council direction on 11/17/14)*

2016 FUTURE AGENDA ITEMS (identified by Staff)

- a. BMC Revisions Regarding Right-of-Way *(Staff on 10/14/14)*
- b. Public Works Fee Schedule Modifications *(Staff on 1/9/15)*
- c. Establishing Development Fee Implementation Dates and Credit Card Limits *(Staff on 1/9/15)*
- d. Development Permit Technology Fee In Anticipation of Permit Tracking Software Acquisition and Maintenance *(Staff on 1/9/15)*
- e. Permit Tracking System Modification/Replacement (Including Electronic Permit Integration)
 - i. *(Staff on 1/9/15)*
- f. 2016 Title 17 Subdivision Code Major Revision *(Staff on 1/9/15)*
- g. 2016 Adoption of 2015 International Building Code and Property Maintenance Code Amendments *(Staff on 1/9/15)*
- h. Downtown Center Planning Effort (Consolidation of Downtown Vision, Policies and Actions with Outside Planning Assistance, incorporating issues such as Hotel/Entertainment/Arts District, Parking, Traffic Flow and Street Network, Pedestrian Way Finding, Sidewalk Art and Park Space with Participation by all City Departments, Downtown focused Organizations and Businesses) *(Staff on 1/9/15)*
- i. Presentation and Discussion of Ordinance No. xxx, Adopting the 2014 National Electrical Code
 - i. *(Staff on 12/16/14)*
- j. BMC Airport Sound Code Update to Reflect Completion of Part 150 Noise Study *(Staff on 1/9/15)*
- k. Uninhabitable Buildings *(Staff on 8/18/15)*
- l. Inoperable Vehicles *(Staff on 8/18/15)*
- m. Business License Code Update *(Staff on 8/18/15)*
- n. CARES Contract *(Staff on 8/19/15)*
- o. Valley View Sewer Easement *(Staff on 9/15/15)*
- p. TIP *(Staff on 9/15/15)*
- q. Discussion Regarding Utility Franchises *(Staff 11/23/15)*
- r. Discussion on False Alarm Ordinance *(Staff on 8/3/15)*
- s. Discussion and Possible Motion on Ordinance No. XXX, Adopting Limited Shoreline Master Program Amendments Following DOE Approval. *(Staff on 12/21/15)*